



# Journal of the Senate

Number 22—Regular Session

Friday, May 2, 2003

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[See end of Journal for Bill Action Summary]

## CALL TO ORDER

The Senate was called to order by President King at 10:24 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

## PRAYER

The following prayer was offered by the Rev. John Whaley, First Baptist Church, Crawfordville:

Our Father in Heaven, we thank you for this new day that you have given us to serve you. I personally thank you for the opportunity and privilege you have given me today to pray for these men and women whom you have placed in these positions of leadership and authority in our state.

Grant them wisdom in their decisions and perseverance to stay the course. I ask that you place your hand on each of them, blessing them physically, mentally, emotionally, and spiritually. Place your hedge of protection around them and their families, and keep them ever mindful of your continual presence.

We thank you that you are a God who is personal, loves each of us deeply, and cares about every detail of our lives. While I may not know or understand what each of these men and women in this place today are personally facing, I know that you do, so I pray that you would meet each of them at the point of their greatest need today.

Once again, we praise you and thank you for the privilege of living in this great nation and this wonderful state. May all that takes place in this chamber today honor and glorify you.

You truly are a great and mighty God who is worthy of all our praise and adoration. Unto you be all the glory, praise, honor and blessing today and forevermore.

In your most precious and holy name, I pray. Amen.

## PLEDGE

Senate Pages Sean Matthew Swartz of Ft. Lauderdale, Robert Smith, III of Plantation and Michael B. Twomey, Jr. of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Walter B. Flesner, III of North Miami Beach, sponsored by Senator Margolis, as doctor of the day. Dr. Flesner specializes in Family Practice/Pain Management.

## ADOPTION OF RESOLUTIONS

On motion by Senator Alexander—

By Senator Alexander—

**SR 1204**—A resolution recognizing the Florida Air Museum, operated by Sun n' Fun, a not-for-profit corporation that is compiling an extensive collection of aviation memorabilia and educating the public on aviation history.

WHEREAS, the mission of Sun n' Fun, as approved by its Board of Directors in June 2001, is to become the "Aviation Experience of Choice" in the United States and internationally, and

WHEREAS, to further this mission, Sun n' Fun maintains a large museum complex, provides an annual air show and convention, and has implemented year-round, aviation-related programs to foster the interest of children of all ages in both aviation and the math, science, and technology that are required for safe aviation, and

WHEREAS, the Sun n' Fun Museum hosts several programs dedicated to aviation education, including a Young Pilots Program, an aviation lecture series, and a Young Eagles Program, and

WHEREAS, the Sun n' Fun air show and convention brings more than 650,000 people to Lakeland, Florida, making it the second largest of its kind in the world in terms of attendance and the largest in terms of the number of air show performers and the size of its night air show, and

WHEREAS, the Museum presently showcases a 20,000-square-foot central museum that houses approximately 65 aircraft, many of which are unique to the evolution of aviation in America, and

WHEREAS, the Museum also has a 20,000-square-foot annex that houses more than a dozen vintage World War II aircraft, including many one-of-a-kind items, and

WHEREAS, the Museum is home to the collective archive of all of the documents from the estate of noted aviation pioneer Howard Hughes, as well as housing the most extensive archives of aviation publications in the state, and

WHEREAS, the Museum has a wall dedicated to the history of aviation in Florida, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Senate recognizes the Florida Air Museum housed at Sun n' Fun, as the official aviation museum and aviation education center of the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Air Museum as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Alexander, **SR 1204** was read the second time in full and adopted.

### SENATOR PRUITT PRESIDING

On motion by Senator Argenziano—

By Senator Argenziano—

**SR 2844**—A resolution recognizing 2003 as the “Year of the Blues” in the State of Florida.

WHEREAS, Blues music is the most influential form of American roots music, being heard around the world in Rock 'n Roll, Jazz, Rhythm & Blues, Country, and even in modern Classical music, and

WHEREAS, many organizations throughout the nation, including the State of Florida, are dedicated to promoting, nurturing, and preserving the Blues for future generations, and

WHEREAS, the Blues is an important documentation of African-American culture and American history since the turn of the 19th century, with significance for race relations, pop culture, and the nation's migration from a rural to an urban society, and

WHEREAS, the Blues is the most celebrated form of American roots music, as is evident from the hundreds of festivals annually conducted around the nation and in Florida, such as the “Freedom Blues Festival” in Tallahassee, “Springing the Blues” in Jacksonville Beach, and the “Sarasota Blues Fest”, as well as major festivals in Tampa, Ft. Lauderdale, Dunnellon and Levy County, and other areas in the State of Florida, and

WHEREAS, the Blues and Blues musicians old and new, male and female, originating from every state in the nation including Florida are recognized and revered worldwide as unique and important ambassadors of America and its music, and

WHEREAS, there are organizations in Florida, such as the Apalachee Blues Society in Tallahassee, the Suncoast Blues Society in Tampa, the Blues Society of Northwest Florida in Pensacola, and the South Florida Blues Society in Ft. Lauderdale, dedicated to preserving, nurturing, and promoting the Blues throughout Florida, and

WHEREAS, there are many living legends of the Blues from Florida who should be recognized and have their stories and music preserved for future generations to appreciate, and

WHEREAS, the year 2003 is the Centennial Anniversary of the year W.C. Handy, upon being inspired by music he heard in a railroad station, began composing the first Blues music distributed throughout the nation, leading to his being designated the “Father of the Blues,” NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate recognizes 2003 as the “Year of the Blues” in the State of Florida, and requests that the Governor of Florida issue an Executive Proclamation calling on the citizens of the state to observe 2003 as the “Year of the Blues” through appropriate ceremonies, festivals, activities, and educational programs.

—was introduced out of order and read by title. On motion by Senator Argenziano, **SR 2844** was read the second time in full and adopted.

At the request of Senator Atwater—

By Senator Atwater—

**SR 2774**—A resolution recognizing the week of June 2-6, 2003, as “Chamber of Commerce Week” in Florida.

WHEREAS, chambers of commerce are located in local communities throughout the State of Florida, representing both small and large businesses, and

WHEREAS, in addition to promoting the business, civic, and economic interests in the regions served, chambers of commerce provide input to leaders on the local, state, and federal levels of government on various issues of critical concern to chamber members, and

WHEREAS, today's chambers of commerce are also vigorously assisting communities in advancing technology, solving problems, and establishing a clear vision for the future, and

WHEREAS, chamber volunteers give unselfishly of their time, energy, and expertise to advance the local chamber of commerce mission and meet its annual goals, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate recognizes the merits of all the chambers of commerce across our state and expresses its sincere appreciation for the steadfast efforts of all those involved with chambers of commerce.

BE IT FURTHER RESOLVED that the Florida Senate recognizes the week of June 2-6, 2003, as “Chamber of Commerce Week” in Florida.

—**SR 2774** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By Senator Cowin—

**SR 2954**—A resolution recognizing October 2003 as Breast Cancer Awareness Month in Florida.

WHEREAS, breast cancer is the most common cancer diagnosed in women in the nation, and

WHEREAS, Florida ranks fourth in the nation for total number of new breast cancer cases and deaths from breast cancer, and

WHEREAS, all women are at risk for breast cancer and the single most important risk factor is age, such that 64 percent of all breast cancers occur in women age 60 and older, and

WHEREAS, the Florida Division of the American Cancer Society estimates that a total of 13,100 new cases of invasive breast cancer in Florida were diagnosed during the year 2002, and

WHEREAS, every 3 hours, one women in Florida dies of breast cancer, and a total of 2,600 Floridian women die from breast cancer within 1 year, and

WHEREAS, breast cancer is the second most common cause of cancer death in white women and the number one cause of cancer death among African American women, and

WHEREAS, almost 1 million women over the age of 40 in Florida have never had a mammogram, and

WHEREAS, early detection, through routine clinical exams and mammography screening, beginning at age 40 in compliance with the American Cancer Society recommended breast cancer screening guidelines, is the key to improving survival rates for breast cancer, and

WHEREAS, breast cancer awareness programs, such as the American Cancer Society's Tell-A-Friend-Tuesday program will promote early de-

tection through regular screening in conjunction with the promotion of October as Breast Cancer Awareness Month, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate recognizes the month of October 2003 as Breast Cancer Awareness Month in Florida and urges all women to understand the risks associated with breast cancer, to take preventive steps to minimize those risks, and to undergo early detection procedures such as mammography and compliance with the American Cancer Society recommended breast-cancer screening guidelines.

—**SR 2954** was introduced, read and adopted by publication.

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At the request of Senator Jones—

By Senator Jones—

**SR 2962**—A resolution recognizing April 22 and 23, 2003, as Legislative Massage Therapy Awareness Days.

WHEREAS, members of the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association throughout the state are actively involved in public awareness and health programs to improve the health and quality of life of Florida residents, and

WHEREAS, the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association are celebrating their fifteenth anniversary and have been holding Legislative Massage Therapy Awareness Days at the Florida Capitol since 1988 for the purpose of educating the State Legislature and the public concerning the many health benefits of massage therapy, and

WHEREAS, licensed massage therapists have been licensed and regulated in the State of Florida since 1943, and as of 2003 there are over 22,000 massage therapists licensed by the state, and

WHEREAS, massage therapy is a low-cost, high-quality means of enhancing and restoring health, and

WHEREAS, increased awareness of the benefits of massage therapy will lead to improved health and vitality of the residents of the State of Florida, and

WHEREAS, the Legislature recognizes massage therapy for wellness and preventive health measures, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate recognizes April 22 and 23 as Legislative Massage Therapy Awareness Days.

—**SR 2962** was introduced, read and adopted by publication.

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At the request of Senator Aronberg—

By Senator Aronberg—

**SR 2976**—A resolution recognizing and honoring former Florida Senator Travis A. Gresham, Jr.

WHEREAS, Travis A. Gresham, Jr., was raised in Lee County, and educated in the Lee County Public School System, graduating in 1943 from Ft. Myers High School, and

WHEREAS, Travis A. Gresham, Jr., thereupon enlisted in the United States Army and served his country in combat in the European Theatre during World War II, was captured, and became a prisoner of war until being freed when Allied Forces conquered Germany, and

WHEREAS, following the war, Travis A. Gresham, Jr., returned home and thereafter attended the University of Virginia, Harvard University, and the University of Florida, obtaining his Bachelor of Arts Degree from Harvard University in 1949, and his Juris Doctor Degree from the University of Florida in 1952, and successfully practiced law in Ft. Myers and the Southwest Florida area for almost 40 years, and

WHEREAS, in 1958, Travis A. Gresham, Jr., was elected to the Florida Senate, representing Lee, Collier, Hendry, and Monroe counties, and distinguished himself as a leader in sponsoring legislation in 1961 to establish Edison Junior College, now known as Edison Community College, and

WHEREAS, serving as Chair of the College's Board of Trustees for the next 13 years, Senator Gresham contributed more than \$100,000 in land and capital to support the College's growth and development, and

WHEREAS, at the age of 77, Senator Gresham suffered a heart attack and died leaving behind four sons and eight grandchildren, many devoted friends, and a legacy of dedicated leadership and service to his community and the state, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate recognizes and honors one of its own, former Senator Travis A. Gresham, Jr., for his outstanding public service to the people of Lee, Collier, Hendry, and Monroe counties, and to the State of Florida, and for his special leadership in supporting the creation, establishment, growth, and development of Edison Community College.

—**SR 2976** was introduced, read and adopted by publication.

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At the request of Senator Clary—

By Senator Clary—

**SR 2992**—A resolution commending the Gulf Coast Community College Lady Commodores Basketball Team.

WHEREAS, the Gulf Coast Community College Ladies basketball program finished the 2003 regular season with an undefeated record of 35-0, and

WHEREAS, each year there is a state and national championship to determine which basketball team is the best in its division, and

WHEREAS, the Gulf Coast Community College Lady Commodores won the Region VIII State Championship by defeating Okaloosa-Walton Community College, and thus qualifying the "Dores" for the National Junior College Athletic Association National Tournament, and

WHEREAS, the Lady Commodores defeated Western Nebraska in the NJCAA National Championship game to claim the Title of Division I National Champions, and

WHEREAS, the team consists of Tasha Phillips, Tracy Jacobs, Anedra Gilmore, Tanesheia Thompson, Milan Cary, Vernetta Skeete, Marla Harrell, Natashaia Morehead, Katrina Martello, Tiffany Stansbury, Alexis Jackson, Malin Andersson, Stevenique Richardson, and Dovile Gulbinaite, and

WHEREAS, the Lady Commodores coaches, Roonie Scovel and assistant coach Grover Hicks, have consistently demonstrated the ability to work together to accomplish the team's goals, and

WHEREAS, it is fitting and appropriate that the Florida Senate commend the Gulf Coast Community College Ladies Basketball Team for winning both the State and National Championships, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate pauses in its deliberations to commend the Gulf Coast Community College Ladies Basketball Team for its extraordinary accomplishments as both State and National Champions.

—**SR 2992** was introduced, read and adopted by publication.

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At the request of Senator Clary—

By Senator Clary—

**SR 2994**—A resolution commending the Okaloosa Walton Community College Men's Basketball Team.

WHEREAS, the Raiders of Okaloosa Walton Community College Men's basketball program finished the 2003 regular season with a record of 31-4, and

WHEREAS, each year there is a state and national championship to determine which basketball team is the best in its division, and

WHEREAS, the Okaloosa Walton Community College defeated Polk Community College, 70-50, to claim its third title as Region VII State Champions, and

WHEREAS, the team consists of Michael Phillips, Donell Taylor, Ronnell Taylor, TJ McCullough, BJ Spencer, George Savage, Gary Mays, Jason Odoms, Jamahl Stokes, Derek Thomas, Robert Ford, and Augustinas Vitas, and

WHEREAS, the Okaloosa Walton Community College coaches, Bruce Stewart and assistant coach Michael Curry, have consistently demonstrated the ability to work together to accomplish the team's goals, and

WHEREAS, it is fitting and appropriate that the Florida Senate commend the Okaloosa Walton Community College Men's Basketball Team for winning the State Championship, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate pauses in its deliberations to commend the Okaloosa Walton Community College Men's Basketball Team for its extraordinary accomplishments as State Champions.

—**SR 2994** was introduced, read and adopted by publication.

## BILLS ON THIRD READING

Consideration of **HB 1051** and **HB 739** was deferred.

**CS for SB 2260**—A bill to be entitled An act relating to water policy; repealing s. 373.0693(11), F.S.; deleting a provision requiring legislative approval to abolish or combine basins existing within the Southwest Florida Water Management District; amending s. 373.2295, F.S.; redefining the term "interdistrict transfer and use"; validating and providing continued effect of agreements between water management districts which were entered into before the effective date of the act; amending s. 373.451, F.S.; revising legislative intent with respect to the Surface Water Improvement and Management Act; deleting requirement that state and local funds be provided for certain purposes; amending s. 373.453, F.S.; revising criteria to be applied in determining the priority of water bodies under surface water improvement and management plans and programs; providing for periodic lists of water bodies of regional or statewide significance; authorizing participation by additional persons in the development of plans and programs; deleting certain reporting requirements; requiring identification of potential funding sources for the plans and programs; requiring review of plans developed by water management districts by various state agencies within a specified time; deleting the requirement that state agencies be on certain advisory committees; authorizing water management districts to enter into contracts with governmental agencies regarding the development and implementation of water improvement and management programs; amending s. 373.459, F.S.; providing for appropriation of funds for surface water improvement and management activities by water management districts; providing for release of funds by the Department of Environmental Protection; repealing s. 373.455, F.S., relating to review of surface water improvement and management plans; repealing s. 373.456, F.S., relating to approval of surface water improvement and management plans; repealing s. 373.457, F.S., relating to implementation of surface water improvement and management plans and programs; amending ss. 259.101, 373.4136, 403.067, and 403.1835, F.S.; amending s. 403.1837, F.S.; repealing provisions limiting the bonding authority of the Florida Water Pollution Control Financing Corporation; deleting cross-references; amending s. 373.069, F.S.; revising boundaries of the St. Johns River and Southwest Florida Water Management Districts; amending s. 373.079, F.S.; revising procedures relating to the hiring of legal staff in the water management districts; amending s. 373.0691, F.S.; providing for the transfer of land and other incidentals from the St. Johns River Water Management District to the Southwest Florida Water Management District; providing effective dates.

—as amended May 1 was read the third time by title.

On motion by Senator Dockery, **CS for SB 2260** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

**HB 221**—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for a report to the Legislature; providing for an advisory group to the council; requiring the Southwest Florida Water Management District to act as lead entity for the purpose of providing staff and administrative support for the council; providing for a Citrus/Hernando Waterways restoration program; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **HB 221** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

## THE PRESIDENT PRESIDING

Consideration of **CS for CS for SB 574** was deferred.

On motion by Senator Klein, by two-thirds vote **HB 1623** was withdrawn from the Committees on Commerce, Economic Opportunities, and Consumer Services; Judiciary; and Rules and Calendar.

On motion by Senator Klein, by two-thirds vote—

**HB 1623**—A bill to be entitled An act relating to the Florida Business Corporations Act; amending s. 607.0120, F.S.; clarifying a document execution provision relating to filing requirement; amending s. 607.0122, F.S.; clarifying an agent statement of resignation fee provision; amending s. 607.0123, F.S.; clarifying an effective time and date of document provision; amending s. 607.0124, F.S.; clarifying a filed document correction provision; amending s. 607.0141, F.S.; revising certain required notice provisions; providing for nonapplication to certain provisions; amending s. 607.0401, F.S.; clarifying a corporate name provision;

providing construction relating to a corporate name; amending s. 607.0505, F.S.; providing for agent designation withdrawals by alien business organizations; amending s. 607.0630, F.S.; clarifying shareholder s preemptive rights provisions relating to certain securities; amending s. 607.0701, F.S.; providing for remote communications at annual shareholder meetings; providing requirements; amending s. 607.0702, F.S.; providing for remote communications at special shareholder meetings; providing requirements; amending s. 607.07401, F.S.; revising a complaint verification and allegation requirement under a shareholder derivative action provision; amending s. 607.0902, F.S.; revising a notice of shareholder meeting requirement; providing construction of control shares voting rights; deleting a rights of dissenting shareholders provision; amending s. 607.10025, F.S.; clarifying certain articles of incorporation provisions; amending s. 607.1004, F.S.; clarifying certain voting group amendment voting provisions; amending s. 607.1006, F.S.; clarifying certain execution of articles of amendment provisions; amending s. 607.1103, F.S.; clarifying a notification of certain plan actions provision; amending s. 607.1104, F.S.; clarifying a merger of subsidiary corporation plan of merger information requirement; amending s. 607.1108, F.S.; correcting a cross reference; amending s. 607.11101, F.S.; clarifying certain effect of merger provisions; amending s. 607.1202, F.S.; clarifying a notice requirement relating to certain sales of assets; amending s. 607.1301, F.S.; providing definitions relating to appraisal rights; amending s. 607.1302, F.S.; providing for shareholders rights to appraisals under certain circumstances; providing limitations; providing for limiting or eliminating appraisal rights under certain circumstances; prohibiting certain corporate action challenges under certain circumstances; creating s. 607.1303, F.S.; providing procedures, requirements, and limitations for assertion of rights by nominees and beneficial owners; amending s. 607.1320, F.S.; providing requirements for notice of appraisal rights; creating s. 607.1321, F.S.; providing requirements for notice of intent to demand payment; creating s. 607.1322, F.S.; providing appraisal notice and form requirements; creating s. 607.1323, F.S.; providing procedures, requirements, and limitations for perfection of appraisal rights; providing for right to withdraw under certain circumstances; creating s. 607.1324, F.S.; providing procedures and requirements for shareholders acceptance of certain offers; creating s. 607.1326, F.S.; providing procedures for shareholder dissatisfaction with certain offers; providing for waiver of certain rights; creating s. 607.1331, F.S.; providing for assessment and award of court costs and attorney fees under certain circumstances; creating s. 607.1332, F.S.; providing for disposition of certain acquired shares; creating s. 607.1333, F.S.; providing limitations on corporate payouts; providing certain shareholder notice requirements; amending s. 607.1403, F.S.; providing for execution of articles of dissolution; clarifying requirements; amending s. 607.1406, F.S.; clarifying provisions relating to claims against dissolved corporations; creating s. 607.1407, F.S.; providing procedures and requirements for administration of unknown claims against dissolved corporations; providing conditions under which certain claims are barred; amending s. 607.1422, F.S.; revising procedural requirements for reinstatement after administrative dissolution; amending s. 607.1503, F.S.; clarifying certain foreign corporation name requirements; amending s. 607.1504, F.S.; revising certain execution procedures and requirements for amended certificates of authority; amending s. 607.1506, F.S.; clarifying name requirements for foreign corporations; creating s. 607.1605, F.S.; providing requirements, procedures, and limitations on inspection of corporate records by directors; amending s. 607.1622, F.S.; deleting an annual report information requirement relating to corporate liability for certain taxes; amending s. 607.1907, F.S.; clarifying an effect of repeal of prior acts provision; repealing s. 607.0903, F.S., relating to application of certain provisions to foreign corporations; providing effective dates.

—a companion measure, was substituted for **CS for SB 2362** as amended and by two-thirds vote read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 1623** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Campbell	Diaz de la Portilla
Alexander	Carlton	Dockery
Argenziano	Clary	Fasano
Aronberg	Constantine	Garcia
Atwater	Cowin	Geller
Bennett	Crist	Haridopolos
Bullard	Dawson	Hill

Jones	Peaden	Villalobos
Klein	Posey	Wasserman Schultz
Lawson	Pruitt	Webster
Lee	Saunders	Wilson
Lynn	Sebesta	Wise
Margolis	Siplin	
Miller	Smith	

Nays—None

**HB 1035**—A bill to be entitled An act relating to a public records exemption for investigatory records relating to workers compensation employer compliance; amending s. 440.108, F.S.; providing an exception to the exemption; adding conforming and clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **HB 1035** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Jones

On motion by Senator Jones, by two-thirds vote **HB 435** was withdrawn from the Committees on Comprehensive Planning; Natural Resources; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

On motion by Senator Jones, by two-thirds vote—

**HB 435**—A bill to be entitled An act relating to coastal redevelopment hazard mitigation; providing a popular name; amending s. 163.3164, F.S.; defining the term “local hazard mitigation strategy”; amending s. 163.3174, F.S.; providing local planning authority for certain municipalities in certain charter counties; amending s. 163.3177, F.S.; providing an additional requirement in the comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising language with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross references, to conform; amending s. 380.06, F.S.; providing presumptions with respect to whether an extension of the date of a buildout or phase in an areawide development plan constitutes a substantial deviation; providing authority for local governments to impose a residential acquisition fee by ordinance or resolution; prohibiting imposition of such fee in an area where a fee has been approved by another local government; providing for a referendum; providing a fee schedule; providing procedures for collection of fees; providing for utilization of funds; requiring the county and municipalities to divide funds pursuant to agreement; providing a time limit on local government authorization to impose or collect certain fees; providing an effective date.

—a companion measure, was substituted for **CS for SB 2688** as amended and by two-thirds vote read the second time by title.

On motion by Senator Jones, by two-thirds vote **HB 435** was read the third time by title.

On motion by Senator Jones, further consideration of **HB 435** was deferred.

**CS for CS for SB 574**—A bill to be entitled An act relating to the Florida Building Code; providing requirements relating to regional emergency elevator access; requiring elevators in newly constructed or certain substantially renovated buildings to be keyed alike within each of the state emergency response regions; providing for these requirements to be phased in for certain existing buildings; restricting the duplication and issuance of master elevator keys; requiring the labeling of master elevator keys; allowing local fire marshals to allow substitute emergency measures for elevator access in certain circumstances; providing for appeal of the local fire marshal's decision; providing for the State Fire Marshal to enforce these provisions; encouraging builders to use applicable new technology to provide regional emergency elevator access; providing an exemption for certain buildings; amending s. 399.106, F.S.; revising the membership of the Elevator Safety Technical Advisory Committee; removing provisions terminating the committee; amending s. 633.171, F.S.; establishing penalties for unauthorized use of fireworks and pyrotechnic devices; amending s. 553.73, F.S.; including hospice facilities in the Florida Building Code; authorizing the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; allowing the commission to stay enforcement of provisions of the Florida Building Code under certain conditions; amending s. 399.13, F.S.; authorizing counties and municipalities to impose certain fees and fines; amending s. 400.605, F.S.; deleting requirements to adopt physical plant standards for a hospice; creating s. 400.6055, F.S.; requiring construction standards for hospice facilities to comply with the Florida Building Code; amending s. 1013.45, F.S.; requiring life-cycle, cost-analysis in selection of public school facilities; delaying the implementation of the administrative rule providing for product approval; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 574** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**HB 439**—A bill to be entitled An act relating to guardians ad litem; providing legislative intent; creating the Statewide Guardian Ad Litem Office within the Justice Administrative Commission; providing for the appointment of an executive director; providing for duties; providing oversight responsibility for local guardians ad litem and attorney ad litem programs; providing for the transfer of the attorney ad litem pilot program and the funds and positions associated with the Guardian Ad Litem Program to the Statewide Guardian Ad Litem Office; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 439** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 2586**—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.12, F.S.; deleting a requirement that the commission solicit advisory recommendations from the Save the Manatee Committee; amending s. 20.331, F.S.; creating an Office of Boating and Waterways within the commission; providing powers and duties of the office; amending s. 206.606, F.S.; providing for the transfer of moneys from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund; amending s. 370.0603, F.S.; including boating and boating-related activities, programs, and law enforcement under purposes of the Marine Resources Conservation Trust Fund; providing for the uses of the funds transferred from the Fuel Tax Collection Trust Fund; creating s. 327.47, F.S.; providing for competitive grant programs developed and administered by the commission; authorizing the commission to adopt rules; providing appropriations; providing an effective date.

—as amended May 1 was read the third time by title.

#### SENATOR CARLTON PRESIDING

On motion by Senator Dockery, **SB 2586** as amended was passed and certified to the House. The vote on passage was:

Yeas—27

Alexander	Dockery	Margolis
Argenziano	Fasano	Miller
Aronberg	Garcia	Posey
Atwater	Geller	Pruitt
Bennett	Haridopolos	Saunders
Bullard	Jones	Smith
Constantine	Klein	Villalobos
Crist	Lee	Wasserman Schultz
Dawson	Lynn	Wilson

Nays—12

Campbell	Diaz de la Portilla	Sebesta
Carlton	Hill	Siplin
Clary	Lawson	Webster
Cowin	Peaden	Wise

Vote after roll call:

Nay to Yea—Campbell

#### REMARKS

On motion by Senator Bennett, the following remarks were ordered spread upon the Journal:

**Senator Bennett:** Senator Haridopolos, I got a little more clarification from yesterday, in fact I would like these words spread upon the

journal, if it is at all possible, because it does effect our marine industry in Florida. After meeting with Florida Fish and Game, it was determined that they will be adopting the GSA requirements for these working boats and that they will be of commercial value and they will be of commercial grade and instead of going to "low bid" and ending up with recreational vehicles or vessels that are falling apart, we will be going for the commercial vessel and the Florida Fish and Game has assured me of that.

**CS for SB 2566**—A bill to be entitled An act relating to local government accountability; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; amending s. 11.45, F.S.; revising reporting requirements of the Auditor General; amending s. 61.181, F.S.; correcting a cross-reference; amending s. 75.05, F.S.; deleting a requirement for an independent special district to submit a copy of a complaint to the Division of Bond Finance of the State Board of Administration; amending s. 112.08, F.S.; clarifying that local governments are authorized to provide health insurance; amending s. 112.625, F.S.; revising the definition of "governmental entity" to include counties and district school boards; amending s. 112.63, F.S.; providing for additional information to be provided to the Department of Management Services in actuarial reports with regard to retirement systems and plans and providing procedures therefor; providing for notification of the Department of Revenue and the Department of Financial Services in cases of noncompliance and authorizing the withholding of certain funds; requiring the Department of Management Services to notify the Department of Community Affairs in the case of affected special districts; amending s. 191.005, F.S.; exempting a candidate from campaign requirements under specified conditions; providing for the removal of a board member upon becoming unqualified; amending s. 130.04, F.S.; revising provisions governing notice of bids and disposition of bonds; amending s. 132.02, F.S.; revising provisions relating to the authorization to issue refund bonds; amending s. 132.09, F.S.; revising provisions relating to the notice of sale, bids, and awards and private sale of bonds; amending s. 163.05, F.S.; revising provisions governing the Small County Technical Assistance Program; amending s. 166.121, F.S.; revising provisions governing the issuance of bonds by a municipality; amending s. 166.241, F.S.; providing a municipal budget amendment process and requirements; amending s. 189.4044, F.S.; revising special procedures for determination of inactive special districts; amending s. 189.412, F.S.; revising duties of the Special District Information Program of the Department of Community Affairs; amending s. 189.418, F.S.; revising reporting requirements of newly created special districts; authorizing the governing body of a special district to amend its budget; amending s. 189.419, F.S.; revising provisions relating to the failure of special districts to file required reports; amending s. 189.421, F.S.; revising provisions governing the failure of special districts to disclose financial reports; providing for extension of time for the filing of said reports; providing remedies for noncompliance; providing for attorney's fees and costs; amending s. 189.428, F.S.; revising provisions governing the special district oversight review process; amending s. 189.439, F.S.; revising provisions governing the issuance of bonds by special districts; amending s. 191.005, F.S.; exempting a candidate from campaign requirements under specified conditions; providing for the removal of a board member upon becoming unqualified; amending s. 218.075, F.S.; revising provisions governing the reduction or waiver of permit processing fees for certain counties; amending s. 218.32, F.S., relating to annual financial reports; requiring the Department of Financial Services to notify the Speaker of the House of Representatives and the President of the Senate of any municipality that has not had financial activity for a specified period of time; providing that such notice is sufficient to initiate dissolution procedures; repealing s. 218.321, F.S., relating to annual financial statements of local governmental entities; amending s. 218.39, F.S.; providing reporting requirements for certain special districts; amending s. 218.36, F.S.; revising reporting requirements for boards of county commissioners relating to the failure of a county officer to comply with the provisions of the section; amending s. 218.369, F.S.; revising the definition of "unit of local government" to include district school boards; renaming pt. V of ch. 218, F.S., as "Local Governmental Entity and District School Board Financial Emergencies"; amending s. 218.50, F.S.; renaming ss. 218.50-218.504, F.S., as the "Local Governmental Entity and District School Board Act"; amending s. 218.501, F.S.; revising the stated purposes of pt. V of ch. 218, F.S.; amending s. 218.502, F.S.; revising the definition of "local governmental entity"; amending s. 218.503, F.S.; revising provisions governing the determination of financial emergency for local governments and district school boards; amending s. 218.504, F.S.; revising provisions relating to the authority of the Governor and authorizing the

Commissioner of Education to terminate all state actions pursuant to ss. 218.50-218.504, F.S.; repealing ch. 131, F.S., consisting of ss. 131.01, 131.02, 131.03, 131.04, 131.05, and 131.06, F.S., relating to refunding bonds of counties, municipalities, and special districts; repealing s. 132.10, F.S., relating to minimum sale price of bonds; repealing s. 165.052, F.S., relating to special dissolution procedures for municipalities; repealing s. 189.409, F.S., relating to determination of financial emergencies of special districts; repealing s. 189.422, F.S., relating to actions of the Department of Community Affairs and special districts; repealing s. 200.0684, F.S., relating to an annual compliance report of the Department of Community Affairs regarding special districts; repealing s. 218.37(1)(h), F.S., relating to the requirement that the Division of Bond Finance use a served copy of the complaint for bond validation to verify compliance by special districts with the requirements in s. 218.38, F.S.; amending s. 1010.47, F.S.; providing that school districts must sell bonds; deleting obsolete provisions relating to the sale of bonds by a school district; transferring a position from the Executive Office of the Governor to the Department of Financial Services; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Atwater, **CS for SB 2566** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

**CS for CS for SB 2464**—A bill to be entitled An act relating to engineering; amending s. 471.013, F.S.; revising examination requirements; amending s. 471.015, F.S.; conforming provisions; amending s. 471.023, F.S.; revising terminology relating to legal entities involved in offering engineering services; amending s. 471.033, F.S.; providing for the imposition of restitution as a penalty for disciplinary violations; amending s. 471.038, F.S.; deleting obsolete language; deleting certain management powers and duties of the Department of Business and Professional Regulation over the Florida Engineers Management Corporation; deleting a bond requirement for certain employees of the corporation; revising the date an annual report is due; transferring certain functions of the department to the board; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Clary, **CS for CS for SB 2464** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Constantine	Haridopolos
Argenziano	Cowin	Hill
Aronberg	Crist	Jones
Atwater	Dawson	Klein
Bennett	Diaz de la Portilla	Lee
Bullard	Dockery	Lynn
Campbell	Fasano	Margolis
Carlton	Garcia	Miller
Clary	Geller	Peaden

Posey	Siplin	Webster
Pruitt	Smith	Wilson
Saunders	Villalobos	Wise
Sebesta	Wasserman Schultz	

Nays—None

Vote after roll call:

Yea—Lawson

**CS for SB 1578**—A bill to be entitled An act relating to the Commission on Ethics; amending s. 112.321, F.S.; restricting lobbying activities of members of the Commission on Ethics; providing exceptions; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Cowin, **CS for SB 1578** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

Consideration of **CS for SB 2758** was deferred.

**CS for SB 2492**—A bill to be entitled An act relating to economic development; reenacting and amending s. 288.9515, F.S.; revising and clarifying powers of Enterprise Florida, Inc., to develop authorized technology development programs; deleting a preference requirement for contractor selections; clarifying a requirement for capitalization of a technology development financing fund; revising criteria and requirements for investment of moneys in the Florida Technology Research Investment Fund; providing for payment of certain claims from the fund; specifying nonapplication of state credit or taxing power; specifying absence of state liability for certain claims; directing Enterprise Florida, Inc., to facilitate the formation of an entrepreneurship strategy; repealing s. 288.9517, F.S., relating to audits of the technology development board and confidentiality of the identity of certain contributors to the board; repealing s. 14, ch. 93-187, Laws of Florida, relating to the future repeal and review by the Legislature of statutes governing certain technology development programs of Enterprise Florida, Inc.; creating s. 1004.447, F.S.; establishing the Florida Institute for Human and Machine Cognition, Inc., at the University of West Florida as a not-for-profit corporation; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing for articles of incorporation; providing powers of the corporation; authorizing contracts without competitive bidding; providing for a board of directors; providing for an affiliation agreement; providing for an annual postaudit report; authorizing the corporation to secure liability protection; providing for assumption of responsibilities of the corporation by the University of West Florida under certain circumstances; providing for administration of the institute by a chief executive officer and providing duties; requiring appointment of a council of scientific advisers and providing duties; providing that the corporation and its subsidiaries are not agencies for certain purposes; authorizing

additional affiliation agreements; amending s. 471.031, F.S.; providing that certain persons are exempt from the prohibitions of the section, relating to the engineering law, under specified circumstances; revising provisions governing the use of certain engineering titles; providing for expiration of such provisions; amending s. 220.191, F.S.; redefining the term “qualifying project” for purposes of capital investment tax credits; amending s. 288.1045, F.S.; revising the definition of “Department of Defense contract” under the tax refund program for qualified defense contractors; extending the period applicable to a program exemption under certain conditions; amending s. 288.106, F.S.; providing for special consideration to be given to defense and homeland security under the tax refund program for qualified target industry businesses; extending the period applicable to a program exemption under certain conditions; amending s. 288.1088, F.S.; revising requirements and providing powers of the Governor with respect to using funds in the Quick Action Closing Fund; amending s. 1004.225, F.S.; removing historical provisions; conforming changes; providing for the designation of an additional center of excellence; providing application, evaluation, and designation procedures; extending the expiration of the Florida Technology Development Act; providing an appropriation; repealing proviso in chapter 2002-394, L.O.F., relating to the requirement for approval of an expenditure plan prior to release of appropriations for funding University Centers of Excellence; amending s. 445.048, F.S.; continuing, expanding, and revising the Passport to Economic Progress demonstration project; providing appropriations; amending s. 376.86, F.S.; revising certain restrictions on investing funds maintained in the Nonmandatory Land Reclamation Trust Fund; providing for a schedule for legislative review of the Brownfield Areas Loan Guarantee Program; providing effective dates.

—as amended May 1 was read the third time by title.

On motion by Senator Garcia, **CS for SB 2492** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

**CS for SB 676**—A bill to be entitled An act relating to transportation; amending s. 316.2952, F.S.; deleting a reference to an obsolete federal safety standard; amending ss. 322.212 and 338.2216, F.S.; correcting references; amending s. 338.165, F.S.; authorizing the refinancing of certain transportation facilities; amending s. 163.3177, F.S.; providing for certain airports to abandon development-of-regional impact orders; transportation facilities; amending ss. 20.23 and 110.205, F.S.; providing for the reorganization of the Department of Transportation; revising duties of the assistant secretaries; providing for additional offices; amending s. 120.52, F.S.; redefining the term “agency” for the purposes of the Administrative Procedure Act; amending s. 339.175, F.S.; providing authority for metropolitan planning organizations and political subdivisions to form separate legal or administrative entities for the purpose of coordinating regional transportation planning and development goals and purposes; specifying how the entity shall be created and operated; exempting the entity from the Administrative Procedure Act; amending s. 255.20, F.S.; providing for a presumption of prequalification for certain contractors; amending s. 316.1001, F.S.; providing for issuing citations for toll violations by first class mail; providing that mailing constitutes notification of such a violation; amending s. 316.302, F.S.;



revising provisions for exemption from specified notification requirements for commercial motor vehicles carrying hazardous materials; incorporating specified federal regulations; updating regulations and rules applicable to certain commercial motor vehicle owners and drivers; specifying ownership identification requirements for certain commercial motor carriers; providing penalties for violation of such requirements; providing for compliance reviews; deleting obsolete references; requirements for identifying commercial vehicles; authorizing the department to conduct compliance reviews; amending s. 316.3025, F.S.; conforming references; providing for a civil penalty to be assessed for additional specified violations; providing penalties for commercial trucks found to be operating following an out-of-service order; amending s. 316.3026, F.S.; providing for the Office of Motor Carrier Compliance to enforce laws governing the operating authority of motor carriers; repealing s. 316.3027, F.S., relating to identification requirements of commercial vehicles; amending s. 316.515, F.S.; revising length limitations for certain commercial vehicles; amending s. 316.545, F.S.; providing for placement of a lien on a vehicle for failure to pay an out-of-service fine; deleting obsolete provisions; authorizing weight inspectors to detain a commercial vehicle under certain circumstances; repealing s. 316.610(3), F.S., relating to a commercial vehicle inspection program within the department which no longer exists; amending s. 316.640, F.S.; providing for authorization of traffic accident investigation officers; amending s. 316.650, F.S.; authorizing the transfer of toll violation citations via electronic means; amending s. 316.70, F.S.; authorizing the department to conduct compliance reviews of nonpublic sector buses; amending s. 318.14, F.S.; revising the time period for paying certain civil penalties; amending s. 330.27, F.S.; revising definitions; amending s. 330.29, F.S.; revising duties of the Department of Transportation with respect to the regulation of airport sites and airports; requiring the department to establish requirements for airport site approval, licensure, and registration; requiring the department to establish and maintain a state aviation facility data system; amending s. 330.30, F.S.; revising provisions for airport site approval; revising provisions for airport licensing; providing for a private airport registration process; specifying requirements for such licensing and registration; deleting airport license fees; providing for expiration and revocation of such license or registration; revising provisions for exemption from such registration and licensing requirements; exempting described areas and facilities from such requirements; providing described private airports the option to be inspected and licensed by the department; amending s. 330.35, F.S.; revising provisions for airport zoning protection for public-use airports; amending s. 330.36, F.S.; providing for zoning requirements governing the landing of seaplanes; amending s. 288.075, F.S.; conforming provisions to changes made by the act; amending s. 331.303, F.S.; revising a definition; amending s. 331.308, F.S.; revising provisions relating to the board of supervisors for the Florida Space Authority; amending s. 331.367, F.S.; conforming provisions to changes made by the act; amending s. 331.368, F.S.; revising the membership of the board of directors for the Florida Space Research Institute; clarifying the authority of the Florida Space Research Institute; providing for the submission of an annual report to the Commissioner of Education; amending s. 331.401, F.S.; conforming provisions to changes made by the act; amending s. 331.403, F.S.; revising legislative findings and intent; amending s. 331.405, F.S.; defining the term "aerospace"; amending s. 331.407, F.S.; redesignating the Florida Commercial Space Finance Corporation as the Florida Aerospace Finance Corporation; conforming provisions to changes made by the act; providing that the Florida Aerospace Finance Corporation is not an agency for certain purposes; amending ss. 331.409 and 331.411, F.S.; conforming provisions to changes made by the act; amending s. 334.03, F.S.; defining "511 services" and "interactive voice response"; amending s. 334.044, F.S.; expanding the powers and duties of the department to include oversight of traveler information systems; amending s. 334.14, F.S.; revising the qualifications required for engineers employed by the department; creating s. 334.60, F.S.; requiring the department to be the lead agency in establishing and coordinating a 511 traveler information phone system; amending s. 336.467, F.S.; authorizing the department to acquire rights-of-way for other governmental entities; amending s. 337.14, F.S.; clarifying the contractor prequalification process; prohibiting a construction contractor from providing testing services; amending s. 337.18, F.S.; clarifying that surety bonds issued in favor of the department for construction and maintenance projects over a specified amount are governed by chapter 337, F.S.; removing certain limitations on contractor incentive payments; amending s. 338.165, F.S.; authorizing the Division of Bond Finance to issue bonds at the department's request for certain facilities; amending s. 338.235, F.S.; authorizing the turnpike authority to secure products, business opportunities, and services by competitive solicitation; creating s. 339.61, F.S.; creating the Florida

Strategic Intermodal System; providing legislative findings; creating s. 339.62, F.S.; providing the components of the Strategic Intermodal System; creating s. 339.63, F.S.; designating system facilities; creating s. 339.64, F.S.; providing for a needs assessment; providing for the Strategic Intermodal System plan; designating Mamie Langdale Memorial Bridge in Glades County; designating George Crady Bridge in Nassau and Duval Counties; designating Rodolfo Garcia Memorial Avenue; directing the Department of Transportation to erect suitable markers; defining statewide transportation corridors; amending s. 95.361, F.S.; providing for government acquisition of certain roads; providing procedures to contest such acquisition; repealing s. 339.12(10) as created by s. 83 of ch. 2002-20, Laws of Florida, and amended by s. 58 of ch. 2002-402, Laws of Florida, relating to grants for local governments; designating an official state aviation museum; amending s. 337.401, F.S.; allowing the department under certain circumstances to enter into permit-delegation agreements with other governmental entities for issuance of permits to use certain rights-of-way; amending s. 334.071, F.S.; requiring local government approval of any proposed road or bridge honorary designation; amending s. 335.02, F.S.; providing that local government regulations shall not apply to transportation facilities on the State Highway System; amending s. 332.007, F.S.; extending the time period of the department's authorization to fund certain security-related airport projects; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Sebesta, **CS for SB 676** as amended was passed and certified to the House. The vote on passage was:

#### Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peadar	

#### Nays—None

#### Vote after roll call:

#### Yea—Lawson

**CS for SB 1956**—A bill to be entitled An act relating to growth management; amending s. 369.301, F.S.; changing the short title; creating s. 369.3011, F.S.; providing for a short title; providing legislative intent; providing definitions; providing for the designation of the Wekiva River Springshed Protection Area; creating comprehensive plan requirements for the area; creating an integrated planning area for the Wekiva River Basin; creating comprehensive plan requirements for transportation, land use, and water resource in the basin; creating transportation requirements for road construction in the basin; providing for planning assistance by the Department of Community Affairs; describing duties of the Department of Agriculture and Consumer Services for the creation of best-management practices; amending s. 163.3187, F.S.; exempting comprehensive plan amendments created by this act from the statutory limit of two amendments per year; creating s. 373.0425, F.S.; providing for rulemaking authority for the St. Johns River Water Management District as it relates to implementing the provisions of this act; creating s. 381.0069, F.S.; directing the Department of Health to develop a program for the improvement of certain wastewater treatment systems in the Wekiva River Springshed Protection Area; amending s. 373.139, F.S.; encouraging the St. Johns River Water Management District to pursue land acquisition within the Wekiva Basin; amending s. 369.307, F.S.; encouraging all agencies to pursue acquisitions within the Wekiva-Ocala Greenway Florida Forever project or other additional lands in the springs recharge area; providing legislative findings with respect to loss of property values due to the proximity of a regional water reservoir; authorizing a cause of action for a property owner; specifying

a period during which a property owner may present a claim for compensation to the regional water supply authority that constructs, operates, and maintains the reservoir; providing requirements for the offer of compensation by a regional water supply authority; providing for judicial review under the Bert J. Harris, Jr., Private Property Rights Protection Act; providing for an award of costs and attorney's fees; providing for future repeal of the section; providing for severability; providing for the repeal of this act; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Constantine, **CS for SB 1956** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

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**CS for SB 2460**—A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; requiring each district of the Department of Children and Family Services to identify adolescent foster children with developmental disabilities or special mental health needs; revising eligibility requirements for participation in the Road-to-Independence Scholarship Program and transitional support services; providing for young adults to continue in foster care in lieu of a Road-to-Independence Scholarship; providing effective dates.

—as amended May 1 was read the third time by title.

On motion by Senator Campbell, **CS for SB 2460** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

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**CS for SB 2186**—A bill to be entitled An act relating to the indigent care surtax; amending s. 212.055, F.S.; allowing small counties having a specified population to levy an indigent care surtax; providing proce-

dures; providing uses of the surtax; providing a maximum tax rate; providing an effective date.

—was read the third time by title.

Senator Argenziano moved the following amendment which was adopted by two-thirds vote:

**Amendment 1 (092100)**—On page 2, lines 11 and 12, delete those lines and insert:

(b) A statement that includes a brief

On motion by Senator Argenziano, **CS for SB 2186** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Lawson

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**CS for CS for SB 2654**—A bill to be entitled An act relating to speciality license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Family First license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—was read the third time by title.

On motion by Senator Hill, **CS for CS for SB 2654** was passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Dawson	Miller
Argenziano	Diaz de la Portilla	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise

Nays—1

Dockery

Vote after roll call:

Yea—Lawson, Sebesta

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**HB 1051**—A bill to be entitled An act relating to succession to the office of Governor; amending s. 14.055, F.S.; providing for the filling of a vacancy in the office of Lieutenant Governor; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **HB 1051** was passed and certified to the House. The vote on passage was:

Yeas—26

Alexander	Dawson	Peaden
Argenziano	Diaz de la Portilla	Posey
Atwater	Dockery	Pruitt
Bennett	Fasano	Saunders
Carlton	Garcia	Sebesta
Clary	Haridopolos	Villalobos
Constantine	Jones	Webster
Cowin	Lee	Wise
Crist	Lynn	

Nays—12

Aronberg	Hill	Siplin
Bullard	Klein	Smith
Campbell	Margolis	Wasserman Schultz
Geller	Miller	Wilson

Vote after roll call:

Yea—Lawson

**HB 739**—A bill to be entitled An act relating to succession to the office of Governor; amending s. 14.055, F.S.; revising provisions relating to succession to the office of Governor; reenacting s. 14.056, F.S., relating to succession as Acting Governor, to provide for the same amendments to succession in office as provided for succession to the office of Governor; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Lee, **HB 739** as amended was passed and certified to the House. The vote on passage was:

Yeas—29

Alexander	Crist	Peaden
Argenziano	Dawson	Posey
Atwater	Diaz de la Portilla	Pruitt
Bennett	Dockery	Saunders
Bullard	Fasano	Sebesta
Campbell	Garcia	Smith
Carlton	Haridopolos	Villalobos
Clary	Jones	Webster
Constantine	Lee	Wise
Cowin	Lynn	

Nays—8

Aronberg	Klein	Wasserman Schultz
Geller	Miller	Wilson
Hill	Siplin	

Vote after roll call:

Yea—Lawson

Yea to Nay—Smith

**CS for SB 2754**—A bill to be entitled An act relating to the acquisition and conservation of lands; amending s. 253.025, F.S.; revising requirements for appraisals when acquiring state lands; amending s. 253.034, F.S.; providing conditions under which state-owned lands may be considered nonconservation lands; revising requirements for land management plans for conservation lands be submitted to the Division of State Lands; providing that land use plans for nonconservation lands be submitted to the Division of State Lands at least every 10 years; revising requirements for the sale of surplus lands; authorizing the Division of State Lands to determine the sale price of surplus lands; providing the Board of Trustees of the Internal Improvement Trust Fund with the authority to adopt rules; directing the Division of State Lands to prepare

a state inventory of all federal lands, and all lands titled in the name of the state, a state agency, a water management district, or a local government; requiring the participation of counties in developing a county inventory; providing conditions under which certain lands may be made available for purchase under the state's land surplus process; creating s. 253.0341, F.S.; authorizing counties and local governments to submit requests to surplus state lands directly to the board of trustees; providing for an expedited surplus process; amending s. 253.042, F.S.; revising the circumstances under which the board of trustees may directly exchange state-owned lands; providing requirements for the exchange of donated conservation lands; providing requirements for the conveyance of donated nonconservation lands; providing requirements for the exchange of other state-owned lands; amending s. 253.7823, F.S.; revising requirements for the disposition of former barge canal surplus lands; amending s. 259.032, F.S.; revising requirements for updating land management plans; revising provisions allowing the use of reverted funds; requiring that state agencies prepare and submit to the Department of Revenue for certification application requests for payment in lieu of taxes from local governments; revising requirements for payment in lieu of taxes; amending s. 259.0322, F.S.; providing that payments in lieu of taxes be made for 20 consecutive years; amending s. 259.036, F.S.; requiring land management review teams to submit a 10-year land management plan update to the Acquisition and Restoration Council; amending s. 259.041, F.S.; clarifying certain requirements regarding the acquisition of state-owned lands; amending s. 373.139, F.S.; repealing obsolete requirements; revising requirements for appraisals when acquiring water management district lands; amending s. 373.59, F.S.; revising provisions requiring payments in lieu of taxes from funds deposited into the Water Management Lands Trust Fund; amending s. 373.5905, F.S.; revising provisions requiring reinstitution of payments in lieu of taxes; amending s. 260.016, F.S.; revising powers of the department in evaluating lands for acquisition of greenways and trails; requiring the exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and a local government under certain conditions; providing purposes for which exchanged lands may be used; requiring the exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and a private entity by July 1, 2003; repealing s. 253.84, F.S., relating to the acquisition of lands containing cattle-dipping vats; repealing s. 259.0345, F.S., relating to the Florida Forever Advisory Council; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Dockery, **CS for SB 2754** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

**SB 1538**—A bill to be entitled An act relating to the Florida Public Student Assistance Grant Program; amending s. 1009.50, F.S.; amending criteria for receiving a grant; amending criteria for determining the minimum and maximum amounts that may be awarded; providing an appropriation; providing an effective date.

—as amended May 1 was read the third time by title.

## RECONSIDERATION OF AMENDMENT

On motion by Senator Aronberg, the rules were waived and the Senate reconsidered the vote by which **Amendment 3 (393616)** was adopted.

Senators Lynn and Aronberg offered the following amendment to **Amendment 3** which was moved by Senator Lynn and adopted by two-thirds vote:

**Amendment 3A (345960)**—On page 3, lines 9-11, delete those lines and insert:

*(5) Funds for the Innovation Florida Scholarships for Developing High-Tech Jobs Program shall be contingent upon appropriations in the General Appropriations Act.*

**Amendment 3** as amended was adopted by two-thirds vote.

On motion by Senator Miller, **SB 1538** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Lawson

**HB 525**—A bill to be entitled An act relating to use of the term “chamber of commerce”; creating s. 501.972, F.S.; providing definitions; prohibiting certain business entities from using the term “chamber of commerce” under certain circumstances; providing exceptions; providing a penalty; specifying nonimposition of certain requirements; authorizing chambers of commerce to sue certain business entities to enjoin use of certain terms; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 525** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Lawson

**CS for SB 1522**—A bill to be entitled An act relating to parental and family involvement in a student’s education; creating s. 1002.23, F.S., the Family and School Partnership for Student Achievement Act; providing legislative purpose; requiring support for implementation by school district and school personnel; requiring the Department of Education to develop guidelines for a parent guide to assist parents; specifying contents of the parent guide; requiring the department to disseminate a checklist to school districts; requiring the department to establish a parent-response center; requiring school districts to adopt rules to strengthen family involvement and empowerment; requiring the districts to submit copies of rules to the Department of Education; requiring school districts to develop and disseminate parent guides and checklists; requiring review and enforcement by the State Board of Education; amending s. 1001.42, F.S.; requiring district school boards to adopt rules and develop a parent guide and checklist; amending s. 1001.51, F.S.; requiring the support and cooperation of district school superintendents in implementing requirements for parent and family involvement in a student’s education; amending s. 1001.54, F.S.; requiring the support and cooperation of school principals; amending s. 1002.20, F.S.; requiring that parents receive specified information concerning their child’s education; amending s. 1003.33, F.S.; requiring reports cards to contain additional information concerning a student’s performance or nonperformance; amending s. 1008.25, F.S.; providing additional notification requirements to parents of students with substantial reading deficiencies; amending s. 1012.72, F.S., relating to incentives and bonuses under the Dale Hickam Excellent Teaching Program; specifying additional requirements for teachers who receive certain bonuses; amending s. 1012.98, F.S.; requiring certain professional development inservice activities to include the subject of parent involvement; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for SB 1522** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

**CS for CS for SB 2266**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Department of Revenue; providing for revocation of certification; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Siplin, **CS for CS for SB 2266** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—1

Campbell

Vote after roll call:

Yea—Lawson

Nay to Yea—Campbell

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**CS for SB 1374**—A bill to be entitled An act relating to administrative procedures; amending s. 120.551, F.S.; eliminating the Internet publication pilot project; defining terms; providing that notices required to be published in the Florida Administrative Weekly by the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund shall be published on an Internet website; specifying Internet website requirements; specifying publication requirements; directing the Department of State to publish a statement in the Florida Administrative Weekly that indicates the Internet website address; providing for the future repeal of the section; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Peaden, **CS for SB 1374** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Constantine, Lawson

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**HB 1019**—A bill to be entitled An act relating to a public records exemption for identifying information contained in a videotaped statement of a minor; amending s. 119.07, F.S., relating to the public records exemption for any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct which reveals the minor's identity; making editorial changes; adding clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **HB 1019** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Siplin
Bullard	Haridopolos	Smith
Campbell	Hill	Villalobos
Carlton	Jones	Wasserman Schultz
Clary	Klein	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson, Sebesta

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**CS for CS for SB 2264**—A bill to be entitled An act relating to health insurance; amending s. 627.411, F.S.; revising grounds for disapproval of health insurance policy forms; requiring health under certain circumstances; amending s. 626.9541, F.S., relating to unfair discrimination; amending s. 627.6515, F.S.; providing for disclosure and exceptions thereto; clarifying applicability to out-of-state group policies; prohibiting predatory pricing; authorizing the Office of Insurance Regulation to adopt rules; clarifying applicability of group conversion provisions; amending s. 641.31, F.S.; specifying nonapplication of certain health maintenance contract filing requirements to certain group health insurance policies; providing exceptions; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Atwater, **CS for CS for SB 2264** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

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**HB 1833**—A bill to be entitled An act relating to airport transportation facilities; creating s. 332.14, F.S.; creating the "Secure Airports for Florida's Economy Act" or "SAFE Act"; creating the SAFE Council to recommend transportation facility projects to the Legislature; providing for membership, organization, and staff support; providing for a master plan of goals and objectives and specific project recommendations; providing for annual plan updates and submission of plan; providing for project review by the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic

Development; providing criteria for such reviews; providing for certain costs and expenditure of described funds; providing for joint participation agreements to be executed by the airport and the Department of Transportation for projects; requiring monitoring; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 1833** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

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**CS for CS for SB 326**—A bill to be entitled An act relating to alcoholic beverages; amending s. 562.11, F.S.; prohibiting a person licensed under the Beverage Law, or an agent, officer, or employee of such person, from providing alcoholic beverages to an underage employee; prohibiting the licensee from permitting an underage employee from consuming alcoholic beverages on the licensed premises; providing a penalty; reenacting s. 561.706(3), F.S., relating to records of arrests of vendors or employees for certain violations of the Beverage Law, to incorporate the amendment to s. 562.11, F.S., in a reference thereto; providing procedures for issuance of a license that becomes available because of a revocation; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for CS for SB 326** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Lawson

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**HB 1591**—A bill to be entitled An act relating to a public records exemption for state employee assistance program records; amending s. 110.1091, F.S.; narrowing the exemption for records relating to an employee's participation in an employee assistance program to provide that

an employee's personal identifying information contained in employee assistance program records is confidential and exempt; making editorial changes; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 1591** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

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**SB 270**—A bill to be entitled An act relating to bridge designation; designating the Skypass Bridge in the City of Riviera Beach as the "L. E. Buie Bridge"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the third time by title.

On motion by Senator Dawson, **SB 270** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

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**HB 1883**—A bill to be entitled An act relating to financial impact statements for proposed constitutional amendments; amending s. 15.21, F.S.; requiring the Secretary of State to submit certain proposed constitutional amendments to the Financial Impact Estimating Conference; amending s. 16.061, F.S., as amended; revising the time period for the Attorney General to petition the Supreme Court for review of certain financial impact statements; deleting duties of the Attorney General with respect to constitutional amendments proposed other than by initiative; conforming provisions to changes made by the act; amending s. 100.371, F.S.; creating the Financial Impact Estimating Conference;

providing membership; providing duties; deleting certain duties of the Revenue Estimating Conference; providing for the creation of an initiative financial information statement; providing duties of the Department of State with respect to printing and providing copies of the initiative financial information statement; requiring the Secretary of State and the Office of Economic and Demographic Research to make such statement available on-line; amending ss. 101.161 and 216.136, F.S.; conforming provisions to changes made by the act; repealing s. 100.381, F.S., relating to fiscal impact statements for constitutional amendments or revisions other than initiatives; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Cowin, **HB 1883** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

**HB 1021**—A bill to be entitled An act relating to a public records exemption for certain information regarding an applicant for federal, state, or local housing assistance programs; amending s. 119.07, F.S.; narrowing the public records exemption; removing the exemption for bank account numbers, credit card numbers, and telephone numbers of applicants and participants in such programs; adding clarifying language; making editorial changes; removing superfluous language; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

—as amended May 1 was read the third time by title.

## RECONSIDERATION OF AMENDMENT

On motion by Senator Wise, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (545480)** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Wise, **HB 1021** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Crist	Lee
Argenziano	Dawson	Lynn
Aronberg	Diaz de la Portilla	Margolis
Atwater	Dockery	Miller
Bennett	Fasano	Peaden
Bullard	Garcia	Posey
Campbell	Geller	Pruitt
Carlton	Haridopolos	Saunders
Clary	Hill	Sebesta
Constantine	Jones	Siplin
Cowin	Klein	Smith

Villalobos	Webster	Wise
Wasserman Schultz	Wilson	

Nays—None

Vote after roll call:

Yea—Lawson

**SB 2284**—A bill to be entitled An act relating to insurance; amending s. 440.02, F.S.; redefining the term “employer”; providing that certain businesses may form a group for purposes of workers’ compensation; providing immunity; amending s. 725.06, F.S.; including promises to insure or obtain insurance for certain parties to construction contracts for certain actions as void and unenforceable; providing exceptions; providing for limited liability protection for additional insured coverage under certain agreements or contracts; prohibiting a contractor or subcontractor from withholding payment to certain subcontractors, sub-subcontractors, or materialmen under certain insurance policies under certain circumstances; providing conditions; revising application; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Bennett, **SB 2284** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lawson

The Senate resumed consideration of—

**HB 435**—A bill to be entitled An act relating to coastal redevelopment hazard mitigation; providing a popular name; amending s. 163.3164, F.S.; defining the term “local hazard mitigation strategy”; amending s. 163.3174, F.S.; providing local planning authority for certain municipalities in certain charter counties; amending s. 163.3177, F.S.; providing an additional requirement in the comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising language with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross references, to conform; amending s. 380.06, F.S.; providing presumptions with respect to whether an extension of the date of a buildout or phase in an areawide development plan constitutes a substantial deviation; providing authority for local governments to impose a residential acquisition fee by ordinance or resolution; prohibiting imposition of such fee in an area where a fee has been approved by another local government; providing for a referendum; providing a fee schedule; providing procedures for collection of fees; providing for utilization of funds; requiring the county and municipalities to divide funds pursuant to agreement; providing a time limit on local government authorization to impose or collect certain fees; providing an effective date.

—which was previously considered this day.

## MOTION

On motion by Senator Wasserman Schultz, the rules were waived to allow the following amendment to be considered:

Senator Wasserman Schultz moved the following amendment which failed to receive the required two-thirds vote:

**Amendment 1 (501246)(with title amendment)**—Lines 203 through line 270, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 5-7, delete those lines and insert: strategy”; amending s. 163.3177, F.S.; providing an

## POINT OF ORDER

Senator Wasserman Schultz raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Committee on Appropriations.

The President referred the point of order to Senator Lee, Chairman of the Committee on Rules and Calendar.

On motion by Senator Jones, further consideration of **HB 435** with pending point of order was deferred.

## SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2316** was deferred.

The Senate resumed consideration of—

**CS for CS for SB 1020**—A bill to be entitled An act relating to court procedures; amending ss. 26.012, 27.06, 34.01, 48.20, 142.09, 316.635, 373.603, 381.0012, 450.121, 560.306, 633.14, 648.44, 817.482, 828.122, 832.05, 876.42, 893.12, 901.01, 901.02, 901.07, 901.08, 901.09, 901.11, 901.12, 901.25, 902.15, 902.17, 902.20, 902.21, 903.03, 903.32, 903.34, 914.22, 923.01, 933.01, 933.06, 933.07, 933.10, 933.101, 933.13, 933.14, 939.02, 939.14, 941.13, 941.14, 941.15, 941.17, 941.18, 947.141, 948.06, 985.05, F.S., relating to various court procedures; redesignating “magistrates” as “trial court judges”; amending ss. 56.071, 56.29, 61.1826, 64.061, 65.061, 69.051, 70.51, 92.142, 112.41, 112.43, 112.47, 162.03, 162.06, 162.09, 173.09, 173.10, 173.11, 173.12, 194.013, 194.034, 194.035, 206.16, 207.016, 320.411, 393.11, 394.467, 397.311, 397.681, 447.207, 447.403, 447.405, 447.407, 447.409, 475.011, 489.127, 489.531, 496.420, 501.207, 501.618, 559.936, 582.23, 631.182, 631.331, 633.052, 744.369, 760.11, 837.011, 838.014, 839.17, 916.107, 938.30, 945.43, F.S., relating to various administrative and judicial proceedings; redesignating “masters” and “general or special masters” as “general or special magistrates”; amending s. 903.02, F.S.; providing that any judge setting or granting bail shall set a separate bail amount for each charge or offense; amending s. 903.046, F.S.; providing that a defendant forfeits the right to a presumption in favor of release on nonmonetary conditions if charged with a second or subsequent felony within a certain time period; amending s. 903.047, F.S.; providing for standard conditions of pretrial release without the trial judge stating such conditions on the record; requiring a defendant to comply with all conditions of a pretrial release program; amending s. 903.26, F.S.; providing that failure of the state attorney to institute extradition proceedings or extradite the principal on a bail bond, after the surety’s written agreement to pay actual transportation costs, exonerates the surety; amending s. 903.27, F.S.; providing that in cases in which the bond forfeiture has been discharged by the court, the amount of the judgment may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned; amending s. 903.31, F.S.; providing that the clerk of court shall furnish an executed certificate of cancellation to the surety; providing that the original appearance bond does not guarantee the defendant’s conduct or appearance in court at any time under certain circumstances; amending s. 907.041, F.S.; requiring a pretrial release service to certify to the court in writing that it has conducted certain investigations and verified specified conditions before an accused is released on nonmonetary conditions; revising requirements for the pretrial release of a person charged with a dangerous crime; creating s. 903.0465, F.S.; providing that a judge at

a first appearance may not reduce bail set by another judge issuing an arrest warrant; amending s. 903.0471, F.S.; authorizing a court to make a finding of probable cause on the basis of an affidavit of a law enforcement officer when a person on pretrial release is arrested for a new law violation; providing an effective date.

—which was previously considered and amended April 29. Pending **Amendment 5 (760104)** by Senator Lawson was withdrawn.

## MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Lawson offered the following amendment which was moved by Senator Smith and adopted:

**Amendment 6 (020954)**—On page 101, between lines 3 and 4, insert:

(c) *The requirement that the report in subsection (b) be written shall not apply to any county having a population less than 125,000 persons.*

On motion by Senator Campbell, further consideration of **CS for CS for SB 1020** as amended was deferred.

**CS for CS for SB 1770**—A bill to be entitled An act relating to an exemption from public records and public meetings requirements for certain information held by the Florida Institute of Human and Machine Cognition; creating an exemption from public records requirements for specified materials, actual and potential trade secrets, information identifying donors to the institute; providing for specified access to certain information by governmental entities; creating an exemption from public meetings requirements for meetings of the governing board of the not-for-profit corporation at which exempt records are discussed; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Miller moved the following amendment which was adopted:

**Amendment 1 (364126)(with title amendment)**—On page 5, lines 7-9, delete section 3 and insert:

Section 3. Section 627.9742, Florida Statutes, is created to read:

627.9742 *Public records exemption for the Office of Insurance Regulation.—Credit scoring methodologies and related data and information that are trade secrets as defined in s. 688.002 and that are filed with the Office of Insurance Regulation pursuant to a rate filing or other filing required by law are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.*

Section 4. *Section 627.9742, Florida Statutes, is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 5. *The Legislature finds that it is a public necessity that credit scoring methodologies and related data and information that are trade secrets, filed with the Office of Insurance Regulation pursuant to a rate filing or other filing required by law, be made confidential and exempt from public records requirements. Such information could harm the business of an insurance company, as it contains proprietary confidential business information that has economic value derived from not being disclosed to competitors. The Legislature further finds that it is a public necessity to make such information confidential and exempt from public disclosure because release of such information would likely result in an insurer’s not providing the Office of Insurance Regulation with adequate information on which to base a determination as to whether a filing meets the requirements of law, resulting in increased administrative and legal disputes with regard to the filing.*

Section 6. Sections 1 and 2 of this act shall take effect July 1, 2003, if SB 1414 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law. Sections 3, 4, and 5 of this



act shall take effect January 1, 2004 if SB 204 or similar legislation adopted in the same legislative session or an extension thereof and becomes a law.

And the title is amended as follows:

On page 1, lines 2-18, delete those lines and insert: An act relating to public records exemptions; creating exemptions for trade secret information; creating an exemption from public records and public meetings requirements for certain information held by the Florida Institute of Human and Machine Cognition; creating an exemption from public records requirements for specified materials, actual and potential trade secrets, information identifying donors to the institute; providing for specified access to certain information by governmental entities; creating an exemption from public meetings requirements for meetings of the governing board of the not-for-profit corporation at which exempt records are discussed; providing for future review and repeal; providing a statement of public necessity; creating s. 627.9742, F.S.; creating a public records exemption for credit scoring methodologies and related data and information that are trade secrets filed with the Office of Insurance Regulation; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

On motion by Senator Clary, by two-thirds vote **CS for CS for SB 1770** as amended was read the third time by title, passed by the required constitutional two-thirds vote of the members present, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Aronberg	Fasano	Saunders
Atwater	Garcia	Sebesta
Bennett	Geller	Siplin
Bullard	Haridopolos	Smith
Campbell	Hill	Villalobos
Carlton	Jones	Wasserman Schultz
Clary	Klein	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Miller	
Dawson	Peaden	

Nays—None

Vote after roll call:

Yea—Lawson

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Consideration of **CS for SB 2054** was deferred.

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**CS for CS for SB 572**—A bill to be entitled An act relating to dental licensure examinations; amending s. 466.006, F.S.; allowing certain dental students to take the examination required for practicing dentistry in this state; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results; requiring approval by the Board of Dentistry and providing prerequisites to such approval; providing an appropriation and authorizing a position; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

**Amendment 1 (314206)(with title amendment)**—On page 1, line 17, insert:

Section 1. Paragraph (t) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(t)1. For the provision of adult open-heart services in a hospital located within the boundaries of Palm Beach, Polk, Martin, St. Lucie, and Indian River Counties if the following conditions are met: The exemption must be based upon objective criteria and address and solve the twin problems of geographic and temporal access. A hospital shall be exempt from the certificate-of-need review for the establishment of an open-heart-surgery program when the application for exemption submitted under this paragraph complies with the following criteria:

a. The applicant must certify that it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing adult open-heart programs, including the most current guidelines of the American College of Cardiology and American Heart Association Guidelines for Adult Open Heart Programs.

b. The applicant must certify that it will maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. The applicant must certify that it will maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. The applicant can demonstrate that it is referring 300 or more patients per year from the hospital, including the emergency room, for cardiac services at a hospital with cardiac services, or that the average wait for transfer for 50 percent or more of the cardiac patients exceeds 4 hours.

e. The applicant is a general acute care hospital that is in operation for 3 years or more.

f. The applicant is performing more than 300 diagnostic cardiac catheterization procedures per year, combined inpatient and outpatient.

g. The applicant's payor mix at a minimum reflects the community average for Medicaid, charity care, and self-pay patients or the applicant must certify that it will provide a minimum of 5 percent of Medicaid, charity care, and self-pay to open-heart-surgery patients.

h. If the applicant fails to meet the established criteria for open-heart programs or fails to reach 300 surgeries per year by the end of its third year of operation, it must show cause why its exemption should not be revoked.

2. By December 31, 2004, and annually thereafter, the Agency for Health Care Administration shall submit a report to the Legislature providing information concerning the number of requests for exemption received under this paragraph and the number of exemptions granted or denied.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to health care; amending s. 408.036, F.S.; providing an exemption from certificate-of-need requirements for certain open-heart-surgery programs; providing criteria for qualifying for the exemption; requiring the Agency for Health Care Administration to report to the Legislature; amending s. 466.006, F.S.;

Senator Fasano moved the following amendment which was adopted:

**Amendment 2 (390928)(with title amendment)**—On page 1, line 17, insert:

Section 1. Paragraph (a) of subsection (2) of section 466.004, Florida Statutes, is amended to read:

466.004 Board of Dentistry.—

(2) To advise the board, it is the intent of the Legislature that councils be appointed as specified in paragraphs (a), (b), and (c). The department shall provide administrative support to the councils and shall provide public notice of meetings and agenda of the councils. Councils shall include at least one board member who shall chair the council and shall include nonboard members. All council members shall be appointed by the board chair. Council members shall be appointed for 4-year terms, and all members shall be eligible for reimbursement of expenses in the manner of board members.

(a) A Council on Dental Hygiene shall be appointed by the board chair and shall include one dental hygienist member of the board, who shall chair the council, one dental member of the board, and three dental hygienists who are actively engaged in the practice of dental hygiene in this state. The council shall meet at the request of the board chair, a majority of the members of the board, or the council chair, *if the council meets at least twice each year*. The council is charged with the responsibility of and shall meet for the purpose of developing rules and policies for recommendation to the board, ~~which the board shall consider~~, on matters pertaining to that part of dentistry consisting of educational, preventive, or therapeutic dental hygiene services; dental hygiene licensure, discipline, or regulation; and dental hygiene education. *Rule and policy recommendations of the council shall be considered by the board at its next regularly scheduled meeting in the same manner it considers rule and policy recommendations from designated subcommittees of the board. Any rule or policy proposed by the board pertaining to the specified part of dentistry defined by this paragraph shall be referred to the council for a recommendation prior to final action by the board.*

Section 2. Section 466.055, Florida Statutes, is created to read:

**466.055 Board of Dentistry Empowerment Act.—**

(1) *If requested by the Board of Dentistry, it shall direct the department whom to appoint as executive director pursuant to the rules of the state personnel system. The committee conducting interviews of candidates for executive director shall consist of the board chairman or his designee and the secretary or his or her designee. A list of final candidates shall be submitted to the board, which shall approve the candidate to be hired. The approval process shall include the right of the board to interview the list of submitted candidates. The board may reject all the candidates on the submitted list and request that a new list be submitted by the interview committee. The executive director shall perform those duties and responsibilities specific to the Board of Dentistry and shall exclusively serve the Board of Dentistry. The board shall monitor the performance of the executive director, based on established performance standards and should the board determine, by a majority vote, that the performance of the executive director is consistently below the performance standards of the board and thus unacceptable, the board shall promptly notify the department of its findings, in writing, and the department shall take appropriate action to replace the executive director, pursuant to the state personnel rules.*

(2) *The executive director shall be responsible for overseeing the hiring of all other staff members who work directly for the executive director and who perform services for the board.*

(3) *The department shall contract for a dental intake officer when requested by the Board of Dentistry in accordance with the state personnel system and qualifications established for such position by the Board of Dentistry. The qualifications for the position shall include a requirement that the candidate be a licensed Florida dentist in good standing.*

(4) *The dental intake officer shall be responsible for determining the legal sufficiency of all dental complaints received by the department within 5 working days after the complaint is filed; advising the board regarding dental health regulation issues; and advising field investigators on dental issues related to the complaints to assure that complaints are properly investigated in a timely and efficacious manner.*

(5) *The Board of Dentistry, in consultation with the department, shall establish reasonable and comprehensive performance parameters for the prosecution of disciplinary cases by the department. Such parameters shall reflect the quality and quantity of services to be provided to the board, including, but not limited to, the proportion of cases that are successfully prosecuted through final hearing and appeal if such cases involve irremediable harm or injury or the immediate threat of irremediable harm or injury to the patient. The board shall conduct an annual evaluation to determine if the department has met the established performance parameters. A finding by the board that the department has failed to meet established parameters shall enable the board, by a majority vote, to instruct the department to retain sufficient outside contractual prosecutorial services pursuant to s. 287.057(3), to fulfill the immediate and foreseeable prosecutorial needs of the board. Contract negotiations and vendor selection shall be conducted in consultation with the chairman of the board or his designee. Each contract for prosecutorial services shall include, at a minimum, the performance parameters developed by the board for its assessment of the department.*

(6) *If requested, a representative of testing services of the Department of Health shall appear before the board, or a committee of the board, following the completion of each examination cycle to discuss examination issues. If the board identifies issues to be addressed, testing services shall report to the board, as requested at the next board meeting, on its progress in addressing the issues identified by the board.*

(7)(a) *In conjunction with each fiscal year budgetary cycle, the department, in consultation with the board, shall develop a Board of Dentistry spending plan encompassing anticipated revenue of all types along with all anticipated operating expenses of the board and associated support services of the department, which shall include all direct and allocated expenses necessary to enable the board to fulfill its responsibilities. All expenditure detail as provided herein shall reflect the methodology and calculations of the department in allocating common expenses among all regulatory boards.*

(b) *The Board of Dentistry shall have spending authority over discretionary budgetary items, as determined by the department and the board jointly. Discretionary budgetary items shall include the selection of board meeting venue, hotel facilities, and accommodations; travel of board members and necessary staff to all meetings of the board; attendance by board members at meetings and conferences deemed to be important by the board in fulfilling its responsibilities, monitoring performance, and confirming the accuracy of information provided to the board or others which relates to the duties and responsibilities of the board; and an operational contingency. Operational contingency is that portion of cash on hand that exceeds that required for the 5-year spending plan as described in s. 456.005. The operational contingency may be used for a special project by the board in fulfilling its responsibilities if a deficit does not or would not exist for the profession. In exercising its spending authority over discretionary budget items, the board must adhere to all applicable state laws and directives; assure that all meeting locations are accessible to the public and licensees; assure that board meetings are conducted in an effective and efficient manner for the public and licensees; assure that the minimal number of board members or staff attend any meeting or conference; and assure the maximum use of technology. When requested by the board, the department shall provide timely procurement assistance to facilitate all discretionary expenditures of the board.*

(8)(a) *The department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year on the effectiveness and efficiency of this section, including:*

- 1. The revenues, expenditures, and cash balances for the prior year, and a review of the adequacy of existing revenues;*
- 2. The nature and extent of all services provided to the board by the department;*
- 3. The total cost allocated by the department for each service provided by the department to the board and the amount and percent by which each cost is appropriate to dentistry's pro-rata share of the total cost of such services provided by the department to all affected boards, councils, and professions;*
- 4. The number of licensure examinations taken, the fees collected for licensure examination, and the time from which a candidate for licensure completed the required examination to the time in which the candidate received the results;*
- 5. The number of licenses issued, revoked, or suspended;*
- 6. The number of disciplinary complaints received, determined to be legally sufficient, investigated, referred to the board's probable cause panel, prosecuted, subject to final board action, and appealed; the number, maximum, and average duration of licenses suspended; the number of licenses revoked; the number of cases spanning more than 180,270, and 365 days from receipt of complaints to submission to the board's probable cause panel; the proportion of cases which were eligible for and the number of cases actually resolved by citation; the proportion of cases where probable cause was found; the number of cases where probable cause was found that were not prosecuted or that did not result in stipulated agreements; the number of cases involving stipulated agreements; the number of cases involving stipulated agreements which were changed by the board and the number of cases involving stipulated agreements that were rejected without modification by the board; the number of cases taking in*

excess of 1 year from the date of receipt of a complaint to final board action; the number of cases involving formal hearings; the status of all cases appealed; the number of cases where licensure suspension or revocation was stayed pending appeal; the number of emergency suspension orders issued; the average and maximum range of costs of complaint investigations and prosecutions; and the amount of fines and expenses collected by type of cases prosecuted;

7. The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 456.079; and

8. Such recommendations for administrative and statutory changes necessary to facilitate efficient and cost-effective operation of the board and the department.

(b) The department shall include in the report any statement, comment, suggestion, recommendation, or objection made by the board in response to the report.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines, and insert: An act relating to dentistry; amending s. 466.004, F.S.; requiring the Council on Dental Hygiene to meet at least twice a year; providing for consideration by the Board of Dentistry of rule and policy recommendations of the council; creating s. 466.055, F.S.; providing for the appointment of an executive director; providing for duties, and board oversight; requiring director to oversee staff; requiring the department to contract for a dental intake officer and providing qualifications; requiring certain responsibilities of the officer; requiring the board to establish certain performance parameters for departmental handling of disciplinary cases, and consequences; requiring testing services to report to the board if requested; requiring a board spending plan and its content; requiring board spending authority over discretionary budget items; requiring a department report of certain information; providing for a board response; amending s. 466.006, F.S.;

Senator Jones moved the following amendment which was adopted:

**Amendment 3 (071324)(with title amendment)**—On page 1, line 18 through page 2, line 11, delete those lines insert:

Section 1. This act may be cited as the “Clara Ramsey Care of the Elderly Act.”

Section 2. *Certified Geriatric Specialist Preparation Pilot Program.*—

(1) The Agency for Workforce Innovation shall establish a pilot program for delivery of geriatric nursing education to certified nursing assistants who wish to become certified geriatric specialists. The agency shall select two pilot sites in nursing homes that have received the Gold Seal designation under section 400.235, Florida Statutes; have been designated as a teaching nursing home under section 430.80, Florida Statutes; or have not received a class I or class II deficiency within the 30 months preceding application for this program.

(2) To be eligible to receive geriatric nursing education, a certified nursing assistant must have been employed by a participating nursing home for at least 1 year and have received a high school diploma or its equivalent.

(3) The education shall be provided at the worksite and in coordination with the certified nursing assistant's work schedule.

(4) Faculty shall provide the instruction under an approved nursing program pursuant to section 464.019, Florida Statutes.

(5) The education shall prepare the certified nursing assistant to meet the requirements for certification as a geriatric specialist. The didactic and clinical education shall include all portions of the practical nursing curriculum pursuant to section 464.019, Florida Statutes, except for pediatric and obstetric/maternal-child education, and shall include additional education in the care of ill, injured, or infirm geriatric patients and the maintenance of health, the prevention of injury, and the provision of palliative care for geriatric patients.

Section 3. *Certified Geriatric Specialty Nursing Initiative Steering Committee.*—

(1) In order to guide the implementation of the Certified Geriatric Specialist Preparation Pilot Program, there is created a Certified Geriatric Specialty Nursing Initiative Steering Committee. The steering committee shall be composed of the following members:

(a) The chair of the Board of Nursing or his or her designee;

(b) A representative of the Agency for Workforce Innovation, appointed by the Director of Workforce Innovation;

(c) A representative of Workforce Florida, Inc., appointed by the chair of the Board of Directors of Workforce Florida, Inc.;

(d) A representative of the Department of Education, appointed by the Secretary of Education;

(e) A representative of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration;

(f) The Director of the Florida Center for Nursing; and

(g) A representative of a Gold Seal nursing home that is not one of the pilot program sites, appointed by the Secretary of Health Care Administration.

(2) The steering committee shall:

(a) Provide consultation and guidance to the Agency for Workforce Innovation on matters of policy during the implementation of the pilot program; and

(b) Provide oversight to the evaluation of the pilot program.

(3) Members of the steering committee are entitled to reimbursement for per diem and travel expenses under section 112.061, Florida Statutes.

(4) The steering committee shall complete its activities by June 30, 2006, and the authorization for the steering committee ends on that date.

Section 4. *Evaluation of the Certified Geriatric Specialist Preparation Pilot Program.*—The Agency for Workforce Innovation, in consultation with the Certified Geriatric Specialty Nursing Initiative Steering Committee, shall conduct, or contract for an evaluation of the pilot program. The agency shall ensure that an evaluation report is submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006. The evaluation must address the experience and success of the certified nursing assistants in the pilot program and must contain recommendations regarding the expansion of the delivery of geriatric nursing education in nursing homes.

Section 5. *Reports.*—The Agency for Workforce Innovation shall submit status reports and recommendations regarding legislation necessary to further the implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives on January 1, 2004, January 1, 2005, and January 1, 2006.

Section 6. Section 464.0125, Florida Statutes, is created to read:

464.0125 *Certified geriatric specialists; certification requirements.*—

(1) **DEFINITIONS; RESPONSIBILITIES.**—

(a) As used in this section, the term:

1. “Certified geriatric specialist” means a person who meets the qualifications specified in this section and who is certified by the board to practice as a certified geriatric specialist.

2. “Geriatric patient” means any patient who is 60 years of age or older.

3. “Practice of certified geriatric specialty nursing” means the performance of selected acts in facilities licensed under part II or part III of chapter 400, including the administration of treatments and medications, in the care of ill, injured, or infirm geriatric patients and the promotion of wellness, maintenance of health, and prevention of illness of geriatric patients under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist. The scope of practice of a certified geriatric specialist includes the practice of practical nursing as defined in s.

464.003 for geriatric patients only, except for any act in which instruction and clinical knowledge of pediatric nursing or obstetric/maternal-child nursing is required. A certified geriatric specialist, while providing nursing services in facilities licensed under part II or part III of chapter 400, may supervise the activities of certified nursing assistants and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the board.

(b) The certified geriatric specialist shall be responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in performing certified geriatric specialty nursing.

(2) **CERTIFICATION.—**

(a) Any certified nursing assistant desiring to be certified as a certified geriatric specialist shall apply to the department and submit proof that he or she holds a current certificate as a certified nursing assistant under this part and has satisfactorily completed the following requirements:

1. Is in good mental and physical health, is a recipient of a high school diploma or its equivalent and has completed the requirements for graduation from an approved program for nursing or its equivalent, as determined by the board, for the preparation of licensed practical nurses, except for instruction and clinical knowledge of pediatric nursing or obstetric/maternal-child nursing. Any program that is approved on July 1, 2003, by the board for the preparation of registered nurses or licensed practical nurses may provide education for the preparation of certified geriatric specialists without further board approval.

2. Has the ability to communicate in the English language, which may be determined by an examination given by the department.

3. Has provided sufficient information, which must be submitted by the department for a statewide criminal records correspondence check through the Department of Law Enforcement.

(b) Each applicant who meets the requirements of this subsection shall, unless denied pursuant to s. 464.018, be entitled to certification as a certified geriatric specialist. The board shall certify, and the department shall issue a certificate to practice as a certified geriatric specialist to, any certified nursing assistant meeting the qualifications in this section. The board shall establish an application fee not to exceed \$100 and a biennial renewal fee not to exceed \$50. The board may adopt rules to administer this section.

(c) A person receiving certification under this section shall:

1. Work only within the confines of a facility licensed under part II or part III of chapter 400.

2. Care for geriatric patients only.

3. Comply with the minimum standards of practice for nurses and be subject to disciplinary action for violations of s. 464.018.

(3) **ARTICULATION.—**Any certified geriatric specialist who completes the additional instruction and coursework in an approved nursing program pursuant to s. 464.019 for the preparation of practical nursing in the areas of pediatric nursing and obstetric/maternal-child nursing shall, unless denied pursuant to s. 464.018, be entitled to licensure as a licensed practical nurse if the applicant otherwise meets the requirements of s. 464.008.

(4) **TITLES AND ABBREVIATIONS; RESTRICTIONS; PENALTIES.—**

(a) Only persons who hold certificates to practice as certified geriatric specialists in this state or who are performing services within the practice of certified geriatric specialty nursing pursuant to the exception set forth in s. 464.022(8) shall have the right to use the title "Certified Geriatric Specialist" and the abbreviation "C.G.S."

(b) No person shall practice or advertise as, or assume the title of, certified geriatric specialist or use the abbreviation "C.G.S." or take any other action that would lead the public to believe that person was certified as such or is performing services within the practice of certified geriatric specialty nursing pursuant to the exception set forth in s. 464.022(8), unless that person is certified to practice as such.

(c) A violation of this subsection is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) **VIOLATIONS AND PENALTIES.—**Practicing certified geriatric specialty nursing, as defined in this section, without holding an active certificate to do so constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Paragraph (b) of subsection (1) of section 381.00315, Florida Statutes, is amended to read:

381.00315 Public health advisories; public health emergencies.—The State Health Officer is responsible for declaring public health emergencies and issuing public health advisories.

(1) As used in this section, the term:

(b) "Public health emergency" means any occurrence, or threat thereof, whether natural or man made, which results or may result in substantial injury or harm to the public health from infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters. Prior to declaring a public health emergency, the State Health Officer shall, to the extent possible, consult with the Governor and shall notify the Chief of Domestic Security Initiatives as created in s. 943.03. The declaration of a public health emergency shall continue until the State Health Officer finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and he or she terminates the declaration. However, a declaration of a public health emergency may not continue for longer than 60 days unless the Governor concurs in the renewal of the declaration. The State Health Officer, upon declaration of a public health emergency, may take actions that are necessary to protect the public health. Such actions include, but are not limited to:

1. Directing manufacturers of prescription drugs or over-the-counter drugs who are permitted under chapter 499 and wholesalers of prescription drugs located in this state who are permitted under chapter 499 to give priority to the shipping of specified drugs to pharmacies and health care providers within geographic areas that have been identified by the State Health Officer. The State Health Officer must identify the drugs to be shipped. Manufacturers and wholesalers located in the state must respond to the State Health Officer's priority shipping directive before shipping the specified drugs.

2. Notwithstanding chapters 465 and 499 and rules adopted thereunder, directing pharmacists employed by the department to compound bulk prescription drugs and provide these bulk prescription drugs to physicians and nurses of county health departments or any qualified person authorized by the State Health Officer for administration to persons as part of a prophylactic or treatment regimen.

3. Notwithstanding s. 456.036, temporarily reactivating the inactive license of the following health care practitioners, when such practitioners are needed to respond to the public health emergency: physicians licensed under chapter 458 or chapter 459; physician assistants licensed under chapter 458 or chapter 459; certified geriatric specialists certified under part I of chapter 464; licensed practical nurses, registered nurses, and advanced registered nurse practitioners licensed under part I of chapter 464; respiratory therapists licensed under part V of chapter 468; and emergency medical technicians and paramedics certified under part III of chapter 401. Only those health care practitioners specified in this paragraph who possess an unencumbered inactive license and who request that such license be reactivated are eligible for reactivation. An inactive license that is reactivated under this paragraph shall return to inactive status when the public health emergency ends or prior to the end of the public health emergency if the State Health Officer determines that the health care practitioner is no longer needed to provide services during the public health emergency. Such licenses may only be reactivated for a period not to exceed 90 days without meeting the requirements of s. 456.036 or chapter 401, as applicable.

4. Ordering an individual to be examined, tested, vaccinated, treated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health. Individuals who are unable or unwilling to be examined, tested, vaccinated, or treated for reasons of health, religion, or conscience may be subjected to quarantine.

a. Examination, testing, vaccination, or treatment may be performed by any qualified person authorized by the State Health Officer.

b. If the individual poses a danger to the public health, the State Health Officer may subject the individual to quarantine. If there is no practical method to quarantine the individual, the State Health Officer may use any means necessary to vaccinate or treat the individual.

Any order of the State Health Officer given to effectuate this paragraph shall be immediately enforceable by a law enforcement officer under s. 381.0012.

Section 8. Subsection (14) of section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(14) “Nursing service” means such services or acts as may be rendered, directly or indirectly, to and in behalf of a person by individuals as defined in ss. ~~ss.~~ 464.003 and 464.0125.

Section 9. Subsection (1) of section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(1) To serve as a nursing assistant in any nursing home, a person must be certified as a nursing assistant under part II of chapter 464, unless the person is a registered nurse, a ~~or~~ practical nurse, *or a certified geriatric specialist certified or licensed in accordance with part I of chapter 464* or an applicant for such licensure who is permitted to practice nursing in accordance with rules adopted by the Board of Nursing pursuant to part I of chapter 464.

Section 10. Paragraphs (a) and (c) of subsection (3) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a) The agency shall adopt rules providing for the minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning January 1, 2004. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. *For purposes of computing nursing staffing minimums and ratios, certified geriatric specialists shall be considered licensed nursing staff.* Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

(c) Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may supervise the activities of other licensed practical nurses, *certified*

*geriatric specialists*, certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.

Section 11. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be affected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling, and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling, or by the individual provider target. The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, *certified geriatric specialists*, *certified under part I of chapter 464*, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

Section 12. Subsection (2) of section 458.303, Florida Statutes, is amended to read:

458.303 Provisions not applicable to other practitioners; exceptions, etc.—

(2) Nothing in s. 458.301, s. 458.303, s. 458.305, s. 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s. 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s. 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall be construed to prohibit any service rendered by a registered nurse, ~~or~~ a licensed practical nurse, *or a certified geriatric specialist certified under part I of chapter 464*, if such service is rendered under the direct supervision and control of a licensed physician who provides specific direction for any service to be performed and gives final approval to all services performed. Further, nothing in this or any other chapter shall be construed to prohibit any service rendered by a medical assistant in accordance with the provisions of s. 458.3485.

Section 13. Subsection (1) and paragraph (a) of subsection (2) of section 1009.65, Florida Statutes, are amended to read:

1009.65 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced registered nurse practitioner certification or physician assistant licensure. The following licensed or certified health care professionals are eligible to participate in this program: medical doctors with primary care specialties, doctors of osteopathic medicine with primary care specialties, physician's assistants, *certified geriatric specialists certified under part I of chapter 464*, licensed practical nurses and registered nurses, and advanced registered nurse practitioners with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health.

(2) From the funds available, the Department of Health shall make payments to selected medical professionals as follows:

(a) Up to \$4,000 per year for *certified geriatric specialists certified under part I of chapter 464*, licensed practical nurses, and registered nurses, up to \$10,000 per year for advanced registered nurse practitioners and physician's assistants, and up to \$20,000 per year for physicians. Penalties for noncompliance shall be the same as those in the National Health Services Corps Loan Repayment Program. Educational expenses include costs for tuition, matriculation, registration, books, laboratory and other fees, other educational costs, and reasonable living expenses as determined by the Department of Health.

Section 14. Subsection (2) of section 1009.66, Florida Statutes, is amended to read:

1009.66 Nursing Student Loan Forgiveness Program.—

(2) To be eligible, a candidate must have graduated from an accredited or approved nursing program and have received a Florida license as a licensed practical nurse, *a certified geriatric specialist certified under part I of chapter 464*, or a registered nurse or a Florida certificate as an advanced registered nurse practitioner.

Section 15. *The sum of \$157,017 is appropriated from the General Revenue Fund to the Agency for Workforce Innovation to support the work of the Certified Geriatric Specialty Nursing Initiative Steering Committee, to administer the pilot sites, contract for an evaluation, and to provide, if necessary, nursing faculty, substitute certified nursing assistants for those who are in clinical education, and technical support to the pilot sites during the 2003-2004 fiscal year.*

Section 16. Subsection (6) is added to section 464.201, Florida Statutes, to read:

464.201 Definitions.—As used in this part, the term:

(6) *"Practice of a certified nursing assistant" means providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, post mortem care, patient socialization and reality orientation, end-of-life care, CPR and emergency care, residents' or patients' rights, documentation of nursing assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse. This section does not restrict the ability of any person who is otherwise trained and educated from performing such tasks.*

Section 17. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants *which specify the scope of practice authorized and level of supervision required for the practice of certified nursing assistants* ~~to enforce this part~~. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

Section 18. *James and Esther King Center for Universal Research to Eradicate Disease.*—

(1) *The Legislature finds that an estimated 128 million Americans suffer from acute, chronic, and degenerative diseases and that biomedical research is the key to finding cures for these diseases that negatively affect all Floridians. The Legislature further finds that, while there is much research being conducted throughout this state and throughout the world, there is a lack of coordination of efforts among researchers. The Legislature, therefore, finds that there is a significant need for a coordinated effort if the goal of curing disease is to be achieved. Moreover, the Legislature finds that the biomedical technology sector meets the criteria of a high-impact sector, pursuant to section 288.108, Florida Statutes, having a high importance to this state's economy with a significant potential for growth and contribution to our universities and quality of life.*

(2) *It is the intent of the Legislature that Florida strive to become the nation's leader in biomedical research and commit itself to being the state to find cures for the most deadly and widespread diseases. It is further the intent of the Legislature that there be a coordinated effort among the state's public and private universities and the biomedical industry to discover such cures. Moreover, it is the intent of the Legislature to expand the state economy by attracting biomedical researchers and research companies to this state.*

(3) *There is established the James and Esther King Center for Universal Research to Eradicate Disease, which shall be known as the "CURED."*

(a) *The purpose of the center is to coordinate, improve, expand, and monitor all biomedical research programs within the state, facilitate funding opportunities, and foster improved technology transfer of research findings into clinical trials and widespread public use.*

(b) *The goal of the center is to find cures for diseases such as cancer, heart disease, lung disease, diabetes, and neurological disorders, including Alzheimer's disease, epilepsy, and Parkinson's disease.*

(c) *The center shall hold an annual biomedical technology summit in Florida to which biomedical researchers, biomedical technology companies, business incubators, pharmaceutical manufacturers, and others around the nation and world are invited to share biomedical research findings in order to expedite the discovery of cures. Summit attendees will be required to cover the costs of such attendance or obtain sponsorship for such attendance.*

(d) *The center shall encourage clinical trials in this state on research that holds promise of curing a disease or condition. The center shall facilitate partnerships between researchers, treating physicians, and community hospitals for the purpose of sharing new techniques and new research findings, as well as coordinating voluntary donations to ensure an adequate supply of adult stem cells or cord blood.*

(e) *The center shall also encourage the discovery and production in Florida of vaccines that prevent disease.*

(f) *The center shall monitor the supply and demand needs of researchers relating to stem cell research and other types of human tissue research. If the center determines that there is a need for increased donation of human tissue, it shall notify hospitals licensed pursuant to chapter 395, Florida Statutes, that have entered into partnership agreements with research institutes conducting stem cell research located in the same geographic region as the researchers demanding the stem cells or other tissues. Such hospitals shall then implement programs that encourage voluntary donations of cord blood or other needed adult tissue.*

(g) *The center shall be funded through private, state, and federal sources.*

(h) *The center shall serve as a registry of all known biomedical grant opportunities and may assist any public or private biomedical research program in this state in preparing grant requests.*

(i) *The center shall maintain a website with links to peer-reviewed biomedical research. The website shall also contain a list of all known biomedical research being conducted in Florida and shall facilitate communication among researchers and other interested parties.*

(j) *The center shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15 which contains recommendations for legislative change necessary to foster a positive climate for biomedical research in this state.*

(k) *The duties of the center may be outsourced by the Department of Health to a private entity or state university.*

(4) *There is established within the center an advisory council which shall meet at least annually.*

(a) *The council shall consist of the members of the board of directors of the Florida Research Consortium and at least one representative from:*

1. *The Emerging Technology Commission.*

2. *Enterprise Florida, Inc.*

3. *BioFlorida.*

4. *The Florida Biomedical Research Advisory Council.*

5. *The Florida Medical Foundation.*

6. *Pharmaceutical Research and Manufacturers of America.*

(b) *Members of the council shall serve without compensation and each organization represented shall cover all expenses of its representative.*

Section 19. Paragraphs (a) and (b) of subsection (1), subsection (2), and paragraph (f) of subsection (10) of section 215.5602, Florida Statutes, are amended to read:

215.5602 Florida Biomedical Research Program.—

(1) There is established within the Department of Health the Florida Biomedical Research Program funded by the proceeds of the Lawton Chiles Endowment Fund pursuant to s. 215.5601. The purpose of the Florida Biomedical Research Program is to provide an annual and perpetual source of funding in order to support research initiatives that address the health care problems of Floridians in the areas of tobacco-related cancer, cardiovascular disease, stroke, and pulmonary disease. The long-term goals of the program are to:

(a) Improve the health of Floridians by researching better prevention, diagnoses, ~~and~~ treatments, *and cures* for cancer, cardiovascular disease, stroke, and pulmonary disease.

(b) Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, ~~and~~ treatment, *and cure* of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(2) Funds appropriated for the Florida Biomedical Research Program shall be used exclusively for the award of grants and fellowships as established in this section; for research relating to the prevention, diagnosis, ~~and~~ treatment, *and cure* of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; and for expenses incurred in the administration of this section. Priority shall be granted to research designed to prevent or cure disease.

(10) The council shall submit an annual progress report on the state of biomedical research in this state to the Governor, the Secretary of Health, the President of the Senate, and the Speaker of the House of Representatives by February 1. The report must include:

(f) Progress in the prevention, diagnosis, ~~and~~ treatment, *and cure* of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

Section 20. Florida Cancer Research Cooperative.—

(1) Effective July 1, 2003, the Florida Cancer Research Cooperative is established for the purpose of making the State of Florida a world class center for cancer research.

(2)(a) A not-for-profit corporation, acting as an instrumentality of the Florida Dialogue on Cancer, shall be organized for the purpose of governing the affairs of the cooperative.

(b) The Florida Cancer Research Cooperative, Inc., may create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from the mission-related activities of the cooperative.

(c) The affairs of the not-for-profit corporation shall be managed by a board of directors which shall consist of:

1. *The Secretary of the Department of Health or his or her designee;*
2. *The Chief Executive Officer of the H. Lee Moffitt Cancer Center or his or her designee;*



3. *The President of the University of Florida Shands Cancer Center or his or her designee;*

4. *The Chief Executive Officer of the University of Miami Sylvester Comprehensive Cancer Center or his or her designee;*

5. *The Chief Executive Officer of the Mayo Clinic, Jacksonville or his or her designee;*

6. *The Chief Executive Officer of the American Cancer Society, Florida Division or his or her designee;*

7. *The President of the American Cancer Society, Florida Division Board of Directors or his or her designee;*

8. *The President of the Florida Society of Clinical Oncology or his or her designee;*

9. *The Chief Executive Officer of Enterprise Florida, Inc., or his or her designee;*

10. *Three representatives from large Florida hospitals or institutions, not delineated in subparagraphs 1. through 6., that treat a large volume of cancer patients. One shall be appointed by the Governor, one shall be appointed by the Speaker of the House of Representatives, and one shall be appointed by the President of the Senate;*

11. *Three representatives from community-based, statewide organizations serving populations that experience cancer disparities, one of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate;*

12. *One member of the Florida House of Representatives, to be appointed by the Speaker of the House of Representatives;*

13. *One member of the Florida Senate, to be appointed by the President of the Senate;*

14. *Three university presidents, one of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate; and*

15. *Five representatives from other statewide public health organizations whose missions include public education and the eradication of cancer, three of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate.*

(d) *Appointments made by the Speaker of the House of Representatives and the President of the Senate pursuant to paragraph (c) shall be for 2-year terms, concurrent with the bienniums in which they serve as presiding officers.*

(e) *Appointments made by the Governor pursuant to paragraph (c) shall be for 2-year terms, although the Governor may reappoint directors.*

(f) *Members of the board of directors of the not-for-profit corporation or any subsidiaries shall serve without compensation.*

(3) *The cooperative shall issue an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, by December 15 of each year, with policy and funding recommendations regarding cancer research capacity in Florida and related issues.*

Section 21. *Florida Cancer Research Cooperative; mission and duties.—*

(1) *The cooperative shall develop and centralize the processes and shared services for expanding cancer research in Florida through:*

(a) *Support through bioinformatics, in order to create a cancer informatics infrastructure that enhances information and resource exchange and integration through researchers working in diverse disciplines to facilitate the full spectrum of cancer investigations;*

(b) *Technical coordination, business development, and support of intellectual property;*

(c) *Development of a statewide cancer clinical trials network as contemplated in section 1; and*

(d) *Other multidisciplinary research support activities.*

(2) *The cooperative shall work in concert with the Center for Universal Research to Eradicate Disease created in section 1 to ensure that the goals of the center are advanced.*

Section 22. Section 484.0512, Florida Statutes, is amended to read:

484.0512 *Thirty-day trial period; purchaser's right to cancel; notice; refund; cancellation fee; criminal penalty procedures.—*

(1) A person selling a hearing aid in this state must provide the buyer with written notice of a 30-day trial period and money-back guarantee. The guarantee must permit the purchaser to cancel the purchase for a valid reason as defined by rule of the board within 30 days after receiving the hearing aid, by returning the hearing aid or mailing written notice of cancellation to the seller. If the hearing aid must be repaired, remade, or adjusted during the 30-day trial period, the running of the 30-day trial period is suspended 1 day for each 24-hour period that the hearing aid is not in the purchaser's possession. A repaired, remade, or adjusted hearing aid must be claimed by the purchaser within 3 working days after notification of availability. The running of the 30-day trial period resumes on the day the purchaser reclaims the repaired, remade, or adjusted hearing aid or on the fourth day after notification of availability.

(2) The board, in consultation with the Board of Speech-Language Pathology and Audiology, shall prescribe by rule the terms and conditions to be contained in the money-back guarantee and any exceptions thereto. Such rule shall provide, at a minimum, that the charges for earmolds and service provided to fit the hearing aid may be retained by the licensee. The rules shall also set forth any reasonable charges to be held by the licensee as a cancellation fee. Such rule shall be effective on or before December 1, 1994. Should the board fail to adopt such rule, a licensee may not charge a cancellation fee which exceeds 5 percent of the total charge for a hearing aid alone. The terms and conditions of the guarantee, including the total amount available for refund, shall be provided in writing to the purchaser prior to the signing of the contract.

(3) Within 30 days after the return or attempted return of the hearing aid, the seller shall refund all moneys that must be refunded to a purchaser pursuant to this section. A violation of this subsection is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) *For purposes of this section, the term "seller" or "person selling a hearing aid" includes:*

(a) *Any natural person licensed under this part or any other natural person who signs a sales receipt required by s. 484.051(2) or s. 468.1245(2) or who otherwise fits, delivers, or dispenses a hearing aid.*

(b) *Any business organization, whether a sole proprietorship, partnership, corporation, professional association, joint venture, business trust, or other legal entity, which dispenses a hearing aid or enters into an agreement to dispense a hearing aid.*

(c) *Any person who controls, manages, or operates an establishment or business that dispenses a hearing aid or enters into an agreement to dispense a hearing aid.*

Section 23. Effective upon this act becoming a law, subsection (1) of section 456.073, Florida Statutes, is amended to read:

456.073 *Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.*

(1) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint filed by a state prisoner against a health care practitioner employed by or otherwise providing health care services within a facility of the Department of Corrections is not legally sufficient unless there is a showing that the prisoner complainant has exhausted all available administrative remedies within the state correctional system before filing the complaint. However, if the department determines after a preliminary



*inquiry of a state prisoner's complaint, that the practitioner may present a serious threat to the health and safety of any individual who is not a state prisoner, the department may determine legal sufficiency and proceed with discipline. The Department of Health shall be notified within 15 days whenever the Department of Corrections disciplines or allows a health care practitioner to resign for an offense related to the practice of his or her profession. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the respective board or the chair of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.*

Section 24. (1) *The Division of Medical Quality Assurance of the Department of Health shall conduct a study of clinical and academic training requirements of certified optometric practitioners, licensed pursuant to chapter 463, Florida Statutes, to determine the extent to which prescribing authority may be expanded. The study group shall be composed of the following members:*

- (a) *One pharmacologist representing the University of Florida;*
- (b) *One pharmacologist representing Nova Southeastern University;*
- (c) *One pharmacologist representing Florida Agricultural and Mechanical University;*
- (d) *One ophthalmologist representing Mayo Clinic Jacksonville;*
- (e) *One ophthalmologist representing Bascom Palmer Eye Institute;*
- (f) *One board-certified internist appointed by the University of South Florida;*
- (g) *One optometrist representing the Florida Board of Optometry;*
- (h) *One certified optometric practitioner representing the Florida Optometric Association; and*
- (i) *One certified optometric practitioner appointed by the Nova Southeastern University College of Optometry.*

(2) *The study group shall be chaired by the Secretary of Health or his or her designee. The study shall be completed and a final report presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2004. If applicable, a minority report shall be completed and presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2004.*

(3) *This section shall take effect upon becoming a law.*

Section 25. Present subsection (4) of section 465.0265, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

465.0265 Centralized prescription filling.—

(4) *Pharmacies accessing the same prescription records in a centralized database or pharmacy computers linked in any other manner may refill or dispense prescriptions at the request of another pharmacy so linked if the pharmacies have the same owner or have a written contract specifying the services to be provided by each pharmacy, the responsibilities of each pharmacy, and the manner in which the pharmacies will comply with federal and state laws and rules. Prescriptions refilled or dispensed using such a system shall not be considered prescription transfers or copies if the computer system registers a complete and full audit trail of all activities and includes the identification of the pharmacies and pharmacists accessing the centralized database and if the system restricts access to the computerized prescription records to pharmacies or other authorized personnel.*

Section 26. Subsection (2) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(2) An applicant shall be entitled to take the examinations required in this section to practice dentistry in this state if the applicant:

(a) Is 18 years of age or older.

(b)1. Is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association or its successor agency, if any, or any other nationally recognized accrediting agency; or:

2. *Is a dental student in the final year of a program at such an accredited school who has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations. With respect to a dental student in the final year of a program at a dental school, a passing score on the examinations is valid for 180 days after the date the examinations were completed. A dental school student who takes the licensure examinations during the student's final year of an approved dental school must have graduated before being certified for licensure pursuant to s. 466.011.*

(c) Has successfully completed the National Board of Dental Examiners dental examination within 10 years of the date of application.

Section 27. Section 466.0065, Florida Statutes, is created to read:

466.0065 Regional licensure examinations.—

(1) *It is the intent of the Legislature that schools of dentistry be allowed to offer regional licensure examinations to dental students who are in the final year of a program at an approved dental school for the sole purpose of facilitating the student's licensing in other jurisdictions. This section does not allow a person to be licensed as a dentist in this state without taking the examinations as set forth in s. 466.006, nor does this section mean that regional examinations administered under this section may be substituted for complying with testing requirements under s. 466.006.*

(2) *Each school of dentistry in this state which is accredited by the Commission on Accreditation of the American Dental Association or its successor agency may, upon written approval by the Board of Dentistry, offer regional licensure examinations only to dental students in the final year of a program at an approved dental school, if the board has approved the hosting school's written plan to comply with the following conditions:*

(a) *The examining body must be a member of the American Association of Dental Examiners.*

(b) *The student must have successfully completed parts I and II of the National Board of Dental Examiners examination within 2 years before taking the regional examination.*

(c) *The student must possess medical malpractice insurance in amounts that the board determines to be sufficient to cover any reason-*

ably foreseeable incident of harm to a patient during the clinical portion of the regional examination.

(d) At least one of the examination monitors must be a dentist licensed in this state who has completed all necessary standardization exercises required by the regional examination body.

(e) Adequate arrangements must be made, when necessary, for patients who require followup care as a result of procedures performed during the clinical portion of the regional examination.

(f) The board chair or the chair's designee must be allowed to observe testing while it is in progress.

(g) Each student, upon applying to take the regional examination, must receive written disclosure in at least 12-point boldface type which states: "This examination does not meet the licensure requirements of chapter 466, Florida Statutes, for licensure in the State of Florida. Persons wishing to practice dentistry in Florida must pass the Florida licensure examinations. For more information on Florida's licensure examination procedures, please contact the Florida Board of Dentistry."

(h) The student must be enrolled as a dental student in the student's final year of a program at an approved dental school that is accredited by the Commission on Accreditation of the American Dental Association or its successor agency.

(i) The student must have completed all the coursework necessary to prepare the student to perform all clinical and diagnostic procedures required to pass the regional examination.

(j) The student's academic record must not include any evidence suggesting that the student poses an unreasonable risk to any live patients who are required for the clinical portion of the regional examination. In order to protect the health and safety of the public, the board may request additional information and documents pertaining to the candidate's mental and physical health in order to fully assess the candidate's fitness to engage in exercises involving a live patient.

(3) A student who takes the examination pursuant to this section, a dental school that submits a plan pursuant to this section, or a regional examination body that a dental school proposes to host under this section does not have standing to assert that a state agency has taken action for which a hearing may be sought under ss. 120.569 and 120.57.

Section 28. This act may be cited as the "Nick Oelrich Gift of Life Act."

Section 29. Subsections (1), (2), and (6) of section 765.512, Florida Statutes, are amended to read:

765.512 Persons who may make an anatomical gift.—

(1) Any person who may make a will may give all or part of his or her body for any purpose specified in s. 765.510, the gift to take effect upon death. An anatomical gift made by an adult donor and not revoked by the donor as provided in s. 765.516 is irrevocable ~~and does not require the consent or concurrence of any person~~ after the donor's death. A family member, guardian, representative ad litem, or health care surrogate of an adult donor who has made an anatomical gift pursuant to subsection (2) may not modify, deny or prevent a donor's wish or intent to make an anatomical gift from being made after the donor's death.

(2) If the decedent has executed an agreement concerning an anatomical gift, by ~~including~~ signing an organ and tissue donor card, by expressing his or her wish to donate in a living will or advance directive, or by signifying his or her intent to donate on his or her driver's license or in some other written form has indicated his or her wish to make an anatomical gift, and in the absence of actual notice of contrary indications by the decedent, the document is evidence of legally sufficient informed consent to donate an anatomical gift and is legally binding. Any surrogate designated by the decedent pursuant to part II of this chapter may give all or any part of the decedent's body for any purpose specified in s. 765.510.

(6) A gift of all or part of a body authorizes:

(a) Any examination necessary to assure medical acceptability of the gift for the purposes intended.

(b) The decedent's medical provider, family, or a third party to furnish medical records requested concerning the decedent's medical and social history.

Section 30. Section 765.516, Florida Statutes, is amended to read:

765.516 Amendment of the terms of or the revocation of the gift.—

(1) A donor may amend the terms of or revoke an anatomical gift by:

(a) The execution and delivery to the donee of a signed statement.

(b) An oral statement that is:

~~1. Made to the donor's spouse; or~~

~~2. made in the presence of two persons, one of whom must not be a family member, and communicated to the donor's family or attorney or to the donee.~~

(c) A statement during a terminal illness or injury addressed to an attending physician, who must communicate the revocation of the gift to the procurement organization that is certified by the state.

(d) A signed document found on or about the donor's person ~~or in the donor's effects.~~

(2) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (1).

Section 31. Subsection (1) of section 765.401, Florida Statutes, is amended to read:

765.401 The proxy.—

(1) If an incapacitated or developmentally disabled patient has not executed an advance directive, or designated a surrogate to execute an advance directive, or the designated or alternate surrogate is no longer available to make health care decisions, health care decisions may be made for the patient by any of the following individuals, in the following order of priority, if no individual in a prior class is reasonably available, willing, or competent to act:

(a) The judicially appointed guardian of the patient or the guardian advocate of the person having a developmental disability as defined in s. 393.063, who has been authorized to consent to medical treatment, if such guardian has previously been appointed; however, this paragraph shall not be construed to require such appointment before a treatment decision can be made under this subsection;

(b) The patient's spouse;

(c) An adult child of the patient, or if the patient has more than one adult child, a majority of the adult children who are reasonably available for consultation;

(d) A parent of the patient;

(e) The adult sibling of the patient or, if the patient has more than one sibling, a majority of the adult siblings who are reasonably available for consultation;

(f) An adult relative of the patient who has exhibited special care and concern for the patient and who has maintained regular contact with the patient and who is familiar with the patient's activities, health, and religious or moral beliefs; ~~or~~

(g) A close friend of the patient; ~~or~~

(h) A clinical social worker licensed pursuant to chapter 491, or a graduate of a court-approved guardianship program. Such a proxy must be selected by the provider's bioethics committee and must not be employed by the provider. If the provider does not have a bioethics committee, then such a proxy may be chosen through an arrangement with the bioethics committee of another provider. The proxy must be notified that upon request the provider shall make available a second physician, not involved in the patient's care, to assist the proxy in evaluating treatment. Decisions to withhold or withdraw life-prolonging procedures must be reviewed by the facility's bioethics committee. Documentation of efforts to locate proxies from prior classes must be recorded in the patient record.

Section 32. Subsection (22) is added to section 641.19, Florida Statutes, to read:

641.19 Definitions.—As used in this part, the term:

(22) “*Specialty*” does not include services performed by a chiropractic physician licensed under chapter 460.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-6, delete those lines and insert: An act relating to health care; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.211, F.S.; revising requirements for persons employed as nursing assistants to conform to the certification of certified geriatric specialists; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 458.303, F.S.; revising exceptions to the practice of medicine to include services delegated to a certified geriatric specialist under specified circumstances; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 464.201, F.S.; defining terms; amending s. 464.202, F.S.; authorizing the Board of Nursing to adopt rules regarding the practice and supervision of certified nursing assistants; creating the James and Esther King Center for Universal Research to Eradicate Disease; providing intent and duties; creating an advisory council; amending s. 215.5602, F.S.; expanding the long-term goals and funding of the Florida Biomedical Research Program to include the cure of specified diseases; creating the Florida Cancer Research Cooperative; providing for a board of directors; providing the cooperative’s mission and duties; amending s. 484.0512, F.S.; providing a criminal penalty for failure of a seller to refund within a specified time moneys required to be refunded to a purchaser for the return or attempted return of a hearing aid; providing a definition; amending s. 456.073, F.S.; providing that a state prisoner must exhaust all available administrative remedies before filing a complaint with the

Department of Health against a health care practitioner who is providing health care services within the Department of Corrections, unless the practitioner poses a serious threat to the health or safety of a person who is not a state prisoner; requiring the Department of Health to be notified if a health care practitioner is disciplined or allowed to resign for a practice-related offense; requiring the Division of Medical Quality Assurance of the Department of Health to conduct a study of clinical and academic training requirements of certified optometric practitioners; providing for appointment of members; requiring a report to be submitted to the Governor and Legislature; amending s. 465.0265, F.S.; providing requirements for the filing of prescriptions by pharmacies that are under common ownership or that have a contractual relationship with one another; specifying requirements for exceptions to prescription transfers between certain pharmacies; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; creating the “Nick Oelrich Gift of Life Act”; amending s. 765.512, F.S., relating to anatomical gifts; prohibiting modification of a donor’s intent; providing that a donor document is legally binding; authorizing specified persons to furnish a donor’s medical records upon request; amending s. 765.516, F.S.; revising procedures by which the terms of an anatomical gift may be amended or the gift may be revoked; amending s. 765.401, F.S.; providing additional persons who may be given a proxy for the making of health care decisions; requiring review by the facility’s bioethics committee of decisions to withhold or withdraw life-prolonging procedures; requiring documentation of efforts to locate certain proxies; amending s. 641.19, F.S.; providing that the term “specialty” does not include the services of a licensed chiropractic physician for purposes of the regulation of managed care; creating s. 466.0065, F.S.;

Senator Fasano moved the following amendments which were adopted:

**Amendment 4 (720970)**—On page 1, line 29 through page 2, line 8, delete those lines and insert:

2. *Is a dental student in the final year of such an accredited school who has completed all the coursework necessary to prepare him or her to perform the clinical and diagnostic procedures required to pass the examinations. With respect to a dental student in his or her final year of dental school, a passing score on the examinations is valid for 180 days after the date the examinations were completed. A dental school student who takes the licensure examinations during his or her final year of an approved dental school must have graduated before being certified for licensure pursuant to s. 466.011.*

**Amendment 5 (952664)(with title amendment)**—On page 4, lines 16-23, delete those lines and insert:

(3) *Neither a student who takes the examination pursuant to this section, nor a dental school submitting a plan pursuant to this section, nor a regional examination body which a dental school proposed to host pursuant to this section has standing to assert that a state agency has taken action for which a hearing may be sought under ss. 120.569 and 120.57.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 12 and 13, delete those lines and insert: to such approval; providing an

Senator Fasano moved the following amendment:

**Amendment 6 (233724)(with title amendment)**—On page 4, delete line 23 and insert: *implementing sections 1 and 2 of this act during the 2003-2004 fiscal year.*

Section 4. Paragraph (e) of subsection (2) of section 381.7353, Florida Statutes, is amended to read:

381.7353 Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program; administration; department duties.—

(2) The department shall:

(e) Coordinate with existing community-based programs, such as chronic disease community intervention programs, cancer prevention and control programs, diabetes control programs, *oral health care programs*, the Healthy Start program, the Florida KidCare Program, the HIV/AIDS program, immunization programs, and other related programs at the state and local levels, to avoid duplication of effort and promote consistency.

Section 5. Paragraph (a) of subsection (2) of section 381.7355, Florida Statutes, is amended to read:

381.7355 Project requirements; review criteria.—

(2) A proposal must include each of the following elements:

(a) The purpose and objectives of the proposal, including identification of the particular racial or ethnic disparity the project will address. The proposal must address one or more of the following priority areas:

1. Decreasing racial and ethnic disparities in maternal and infant mortality rates.
2. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cancer.
3. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to HIV/AIDS.
4. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cardiovascular disease.
5. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to diabetes.
6. Increasing adult and child immunization rates in certain racial and ethnic populations.
7. *Decreasing racial and ethnic disparities in oral health care.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 13, following the semicolon (;) insert: amending ss. 381.7353, 381.7355, F.S.; including oral health care in the Closing the Gap grant program;

On motion by Senator Fasano, further consideration of **CS for CS for SB 572** with pending **Amendment 6 (233724)** was deferred.

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Consideration of **CS for SB 2560** was deferred.

### CLAIM BILL CALENDAR

**SB 48**—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Asbel Llerena and Wendy Guzman; authorizing and directing the City of Hialeah to compensate them for the death of Maria de Jesus Llerena, due to the negligence of a City of Hialeah employee; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 48** to **HB 1689**.

Pending further consideration of **SB 48** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1689** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

**HB 1689**—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Asbel Llerena; authorizing and directing the City of Hialeah to compensate him for personal injuries and the death of Maria de Jesus Llerena due to the negligence of a City of Hialeah employee; providing an effective date.

—a companion measure, was substituted for **SB 48** as amended and by two-thirds vote read the second time by title.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1689** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Alexander	Dawson	Peaden
Argenziano	Diaz de la Portilla	Posey
Aronberg	Fasano	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lee	Wasserman Schultz
Constantine	Lynn	Wilson
Cowin	Margolis	
Crist	Miller	

Nays—4

Dockery	Webster	Wise
Garcia		

Vote after roll call:

Yea—Lawson

### SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for SB 700** was deferred.

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**SB 2794**—A bill to be entitled An act relating to trust funds; creating the Wildflower Trust Fund; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **SB 2794** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Lawson

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**CS for SB 1176**—A bill to be entitled An act relating to tax administration; amending ss. 202.11, 202.125, 202.22, 202.27, 202.28, 202.34, and 202.35, F.S., relating to the local communications services tax; changing sourcing requirements for third number and calling card calls; excluding certain not-for-hire mobile communications services from the definition of the term “substitute communications system”; providing an exemption for homes for the aged; providing limitations on credits for taxes collected; providing legislative intent with respect to provisions

clarifying the law; providing penalties for failure to report revenue and taxes due; providing for repeal of certain penalty provisions; authorizing the Department of Revenue to allocate local taxes to and between local governments under certain circumstances; requiring that a taxpayer provide customer records to the Department of Revenue; providing penalties for noncompliance; amending s. 206.02, F.S.; prohibiting a person from engaging in business as a biodiesel manufacturer unless the person is licensed by the department; revising licensing requirements; requiring biodiesel manufacturers to meet the reporting, bonding, and licensing requirements prescribed for wholesalers of motor fuel; amending s. 206.026, F.S.; requiring the department to obtain fingerprints for criminal background checks for certain license holders; amending s. 206.14, F.S.; providing a penalty for failure to provide records as required by the department; amending s. 206.414, F.S., relating to local option fuel taxes; providing for the tax to be collected when fuel is removed through the loading rack; amending s. 206.416, F.S.; deleting certain provisions authorizing a change in the destination of fuel; requiring that a wholesaler or exporter register as an importer under certain circumstances; providing penalties; amending s. 206.485, F.S., relating to tracking reports for petroleum products; imposing a penalty for failure to provide such reports; amending s. 206.86, F.S.; defining the terms "biodiesel" and "biodiesel manufacturer" for purposes of part II of ch. 206, F.S.; amending s. 206.89, F.S., relating to the regulating of alternative fuels; requiring the licensure of retailers rather than wholesalers; amending s. 212.0606, F.S., relating to the rental car surcharge; requiring dealers to report the surcharge collections by county where collected; amending s. 212.08, F.S.; authorizing certain carriers to prorate the state tax on motor or diesel fuels used in interstate commerce in the initial year of operation; amending s. 212.12, F.S.; deleting a prohibition on certain allowances if the tax is delinquent; revising a limitation on certain penalties; providing an additional penalty for failure to timely disclose a tax or fee; requiring that the department make certain tax amounts and brackets available in an electronic format; deleting a requirement that the amounts and brackets be established pursuant to rule; amending s. 213.21, F.S.; revising the period during which a taxpayer may voluntarily disclose a tax liability; providing for applicability; amending s. 336.021, F.S.; revising certain dates for purposes of certifying distributions of local option fuel taxes; amending s. 336.025, F.S.; expanding the uses of proceeds from local option fuel taxes on motor fuel and diesel fuel; amending ss. 443.036, 443.131, 443.1316, and 443.163, F.S., relating to the unemployment compensation tax; requiring that a limited liability company be treated at the same status as it is classified for federal income tax purposes; providing that an employee may not be considered a successor under certain circumstances; increasing the limit on recovery of overhead or indirect costs from the Agency for Workforce Innovation; revising requirements of electronic reporting and remitting for certain persons who prepare and report; revising penalties for failure to report or remit taxes by electronic means; providing for retroactive application of provisions relating to electronic reporting and remitting of taxes; amending s. 832.062, F.S.; prohibiting certain electronic funds transfers if the taxpayer knows at the time of such transfer that funds are insufficient to cover the transfer; amending s. 206.052, F.S., relating to the export of tax-free fuels; conforming a cross-reference to changes made by the act; repealing s. 199.052(13), F.S., relating to a requirement to permit a voluntary contribution to the Election Campaign Financing Trust Fund when filing an intangible tax return; amending s. 213.053, F.S.; authorizing the Department of Revenue to share information with the Department of Transportation on rental car surcharge revenues; amending s. 624.509, F.S.; authorizing a certain affiliated group of corporations that created a service company to allocate the salary of each employee to the companies for which the employees perform services for the purpose of the salary credit against the insurance premium tax; providing definitions for "affiliated group of corporations," and "service company"; providing that changes shall take effect for tax years beginning January 1, 2003; amending ss. 213.053, 213.21, and 213.285, F.S.; deleting the repeal of the certified audit program; amending s. 212.08, F.S.; expanding the definition of "housing project" to include construction in a designated brownfield area of affordable housing; amending s. 212.055, F.S.; providing additional uses for revenues raised by the charter county transit system surtax; repealing s. 212.055(2)(f), F.S.; relating to the restriction on the use of Local Government Infrastructure Surtax revenue to supplant or replace user fees or reduce ad valorem taxes; providing effective dates.

—was read the second time by title.

Senator Posey offered the following amendment which was moved by Senator Campbell and adopted:

**Amendment 1 (305466)(with title amendment)**—On page 5, line 9 through page 6, line 10, delete those lines and insert:

Section 1. Paragraph (a) of subsection (15) of section 202.11, Florida Statutes, is amended to read:

202.11 Definitions.—As used in this chapter:

(15) "Service address" means:

(a) Except as otherwise provided in this section, the location of the communications equipment from which communications services originate or at which communications services are received by the customer. ~~If the location of such equipment cannot be determined as part of the billing process, as in the case of third-number and calling-card calls and similar services, the term means the location determined by the dealer based on the customer's telephone number, the customer's mailing address to which bills are sent by the dealer, or another street address provided by the customer.~~ In the case of a communications service paid through a credit or payment mechanism that does not relate to a service address, such as a bank, travel, debit, or credit card, ~~and in the case of third-number and calling-card calls,~~ the service address is the address of the central office, as determined by the area code and the first three digits of the seven-digit originating telephone number.

And the title is amended as follows:

On page 1, lines 7-9, delete those lines and insert: calls;

Senator Campbell moved the following amendments which were adopted:

**Amendment 2 (361770)**—On page 26, line 19, delete "surcharge revenues" and insert: *surcharge revenue information*

**Amendment 3 (354458)**—On page 32, line 23, delete "exceed" and insert: *be less than*

**Amendment 4 (024934)(with title amendment)**—On page 52, between lines 27 and 28, insert:

Section 35. Subsection (4) of section 213.0535, Florida Statutes, is amended to read:

213.0535 Registration Information Sharing and Exchange Program.—

(4) There are two levels of participation:

(a) Each unit of state or local government responsible for administering one or more of the provisions specified in subparagraphs 1.-8. ~~7.~~ is a level-one participant. Level-one participants shall exchange, monthly or quarterly, as determined jointly by each participant and the department, the data enumerated in subsection (2) for each new registrant, new filer, or initial reporter, permittee, or licensee, with respect to the following taxes, licenses, or permits:

1. The sales and use tax imposed under chapter 212.
2. The tourist development tax imposed under s. 125.0104.
3. The tourist impact tax imposed under s. 125.0108.
4. Local occupational license taxes imposed under chapter 205.
5. Convention development taxes imposed under s. 212.0305.
6. Public lodging and food service establishment licenses issued pursuant to chapter 509.
7. Beverage law licenses issued pursuant to chapter 561.
8. *A municipal resort tax as authorized under chapter 67-930, Laws of Florida.*

(b) Level-two participants include the Department of Revenue and local officials responsible for collecting the tourist development tax pursuant to s. 125.0104, the tourist impact tax pursuant to s. 125.0108, or a convention development tax pursuant to s. 212.0305, *or a municipal resort tax as authorized under chapter 67-930, Laws of Florida.* Level-

two participants shall, in addition to the data shared by level-one participants, exchange data relating to tax payment history, audit assessments, and registration cancellations of dealers engaging in transient rentals, and such data may relate only to sales and use taxes, tourist development taxes, ~~and~~ convention development taxes, *and municipal resort tax*. The department shall prescribe, by rule, the data elements to be shared and the frequency of sharing; however, audit assessments must be shared at least quarterly.

(c) A level-two participant may disclose information as provided in paragraph (b) in response to a request for such information from any other level-two participant. Information relative to specific taxpayers shall be requested or disclosed under this paragraph only to the extent necessary in the administration of a tax or licensing provision as enumerated in paragraph (a). When a disclosure made under this paragraph involves confidential information provided to the participant by the Department of Revenue, the participant who provides the information shall maintain records of the disclosures, which records shall be subject to review by the Department of Revenue for a period of 5 years after the date of the disclosure.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 13, after the semicolon (;) insert: amending s. 213.0535, F.S.; providing that a local government that collects a municipal resort tax may participate in the Registration Information Sharing Program;

**Amendment 5 (683876)(with title amendment)**—On page 61, between lines 16 and 17, insert:

Section 42. Paragraphs (a) and (e) of subsection (3) of section 193.461, Florida Statutes, are amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program.—

(3)(a) No lands shall be classified as agricultural lands unless a return is filed on or before March 1 of each year. The property appraiser, before so classifying such lands, may require the taxpayer or the taxpayer's representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 shall constitute a waiver for 1 year of the privilege herein granted for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 may file an application for the classification and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding the provisions of s. 194.013, the applicant must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the classification, the property appraiser or the value adjustment board may grant the classification. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted by the property appraiser. *Such waiver may be revoked by a majority vote of the governing body of the county.*

(e) Notwithstanding the provisions of paragraph (a), land that has received an agricultural classification from the property appraiser, the value adjustment board, or a court of competent jurisdiction pursuant to this section is entitled to receive such classification in any subsequent year until such agricultural use of the land is abandoned or discontinued,

the land is diverted to a nonagricultural use, or the land is reclassified as nonagricultural pursuant to subsection (4). The property appraiser must, no later than January 31 of each year, provide notice to the owner of land that was classified agricultural in the previous year informing the owner of the requirements of this paragraph and requiring the owner to certify that neither the ownership nor the use of the land has changed. The department shall, by administrative rule, prescribe the form of the notice to be used by the property appraiser under this paragraph. *If a county has waived the requirement that an annual application or statement be made for classification of property pursuant to paragraph (a), the county may, by a majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner with the same notification provided to owners of land granted an agricultural classification by the property appraiser. Such waiver may be revoked by a majority vote of the county's governing body.* ~~However,~~ This paragraph does not apply to any property if the agricultural classification of that property is the subject of current litigation.

Section 43. (1) For purposes of granting an agricultural classification for January 1, 2003, the term "extenuating circumstances," as used in section 193.461(3)(a), Florida Statutes, includes the failure of a property owner in a county that waived the annual application process to return the agricultural classification form or card, which return was required by operation of section 193.461(3)(e), Florida Statutes, as created by chapter 2002-18, Laws of Florida.

(2) Any waiver of the annual application granted under section 193.461(3)(a), Florida Statutes, which is in effect on December 31, 2002, shall remain in full force and effect until subsequently revoked as provided by section 193.461(3)(a), Florida Statutes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 4, after the semicolon (;) insert: amending s. 193.461, F.S.; authorizing the governing body of a county to revoke the waiver of annual property classification; revising the date by which the property appraiser must provide notice to property owners; providing for waiver and revocation of the waiver of the notice and certification requirement for land classification; defining the term "extenuating circumstances" to include failure to return the agricultural classification form under certain circumstances; providing for effect of waiver of annual application requirements;

**Amendment 6 (551064)**—In title, on page 1, delete line 2 and insert: An act relating to taxation; amending

On motion by Senator Campbell, further consideration of **CS for SB 1176** as amended was deferred.

The Senate resumed consideration of—

**CS for CS for SB 572**—A bill to be entitled An act relating to dental licensure examinations; amending s. 466.006, F.S.; allowing certain dental students to take the examination required for practicing dentistry in this state; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results; requiring approval by the Board of Dentistry and providing prerequisites to such approval; providing an appropriation and authorizing a position; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 6 (233724)** by Senator Fasano was adopted.

Senator Fasano moved the following amendment which was adopted:

**Amendment 7 (042260)**—In title, on page 1, lines 2 and 3, delete "dental licensure examinations" and insert: dentistry and dental hygiene

## MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted:

**Amendment 8 (623072)(with title amendment)**—On page 4, delete line 24 and insert:

Section 4. Section 768.1335, Florida Statutes, is created to read:

*768.1335 Emergency Medical Dispatch Act; presumption.—*

(1) *This section may be known by the popular name the “Emergency Medical Dispatch Act.”*

(2) *As used in this section:*

(a) *“Emergency medical dispatch” means the function of utilizing emergency medical dispatch protocols.*

(b) *“Emergency medical dispatcher” means a person who is trained or certified in the prompt and accurate processing of calls for emergency medical assistance.*

(c) *“Emergency medical dispatch agency” means any private or public entity that is responsible for the emergency medical dispatch by emergency medical dispatchers.*

(d) *“Emergency medical dispatch protocol” means guidelines for processing calls for emergency medical assistance or for the dispatching of emergency medical services in a prehospital setting, which are substantially similar to standards set forth by the American Society for Testing and Materials or the National Highway Traffic Safety Administration and which have been incorporated into an emergency medical dispatch training program.*

(3) *Notwithstanding any other provision of law to the contrary and unless otherwise immune under s. 768.28, any emergency medical dispatcher or the emergency medical dispatch agency, its agents, or employees who utilize emergency medical dispatch protocols are presumed not to have acted negligently regarding any injuries or damages resulting from the use of emergency medical dispatch protocols, if the emergency medical dispatcher or the emergency dispatch agency, its agents, or employees:*

(a) *Properly trained their emergency medical dispatchers in an emergency medical dispatch that is substantially similar to standards set forth by the American Society for Testing and Materials or the National Highway Traffic Safety Administration;*

(b) *Implemented standard practices and management for emergency medical dispatch or practices that are substantially similar to standards set forth by the American Society for Testing and Materials or the National Highway Traffic Safety Administration; and*

(c) *Utilized standard practices for training, instructor qualification, and certification eligibility of emergency medical dispatchers or standards that are substantially similar to the American Society for Testing and Materials or the National Highway Traffic Safety Administration.*

Section 5. Section 401.111, Florida Statutes, is amended to read:

401.111 Emergency medical services grant program; authority.—The department is hereby authorized to make grants to local agencies and emergency medical services organizations in accordance with any agreement entered into pursuant to this part. These grants shall be designed to assist said agencies and organizations in providing emergency medical services, *including emergency medical dispatch*. The cost of administering this program shall be paid by the department from funds appropriated to it.

Section 6. This act shall take effect July 1, 2003, except that sections 4 and 5 of this act shall take effect September 11, 2003.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; amending s. 466.006, F.S.; allowing certain dental students to take the examination required for practicing dentistry in this state; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results; requiring approval by the Board of Dentistry and providing prerequisites to such

approval; providing an appropriation and authorizing a position; creating s. 768.1335, F.S.; providing a short title; providing definitions; providing a presumption of non-negligence in the use of emergency medical dispatch protocols by an emergency medical dispatcher or the emergency medical dispatch agency, its agents, or employees; amending s. 401.111, F.S.; authorizing grants by the Department of Health to emergency medical dispatch agencies; providing effective dates.

WHEREAS, emergency medical dispatch programs promote appropriate standards that result in more effective dispatch of emergency services and the saving of lives, and

WHEREAS, the dispatcher is the first responder to a medical emergency when someone dials 911 or calls a medical dispatch agency directly, and dispatchers are being recognized nationally as the true first responders to the emergency scene, and

WHEREAS, an emergency medical dispatcher has an immediate response time during which to offer basic instructions to the caller regardless of the emergency medical services response time and is crucial for the delivery and receipt of information to EMS units, and

WHEREAS, an emergency medical dispatch program is a key component of a quality EMS system, and

WHEREAS, organizations such as the American Heart Association (AHA), the American College of Emergency Physicians (ACEP), the National Association of Emergency Medical Services Physicians (NAEMSP), the National Institute of Health (NIH), the National Highway Traffic Safety Administration (NHTSA), and the American Society of Testing and Materials (ASTM) have endorsed the development and adoption of standards for emergency medical dispatch, and

WHEREAS, a properly trained emergency medical dispatcher significantly improves the quality of care provided by an EMS system because the dispatcher is able to identify the level of need of the caller, including resource allocations and response modes, thus enabling more effective and efficient dispatch of limited response resources; identify situations that might require prearrival instructions; gather information to be relayed to the responding crews to help them better manage and respond to the emergency medical situation upon arrival; and obtain information regarding emergency medical scene safety for the patient, bystanders, and responding personnel, and

WHEREAS, many states are now adopting a standard emergency medical dispatch program, and

WHEREAS, the most successful EMS systems are those that have strong field response times coupled with well-trained emergency medical dispatchers, NOW, THEREFORE,

## RECONSIDERATION OF AMENDMENTS

On motion by Senator Fasano, the Senate reconsidered the vote by which **Amendment 4 (720970)** and **Amendment 5 (952664)** were adopted. **Amendment 4** and **Amendment 5** were withdrawn.

On motion by Senator Fasano, by two-thirds vote **CS for CS for SB 572** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Alexander	Crist	Lee
Argenziano	Dawson	Lynn
Aronberg	Diaz de la Portilla	Margolis
Atwater	Dockery	Miller
Bennett	Fasano	Peaden
Bullard	Garcia	Posey
Campbell	Geller	Pruitt
Carlton	Haridopolos	Saunders
Clary	Hill	Sebesta
Constantine	Jones	Siplin
Cowin	Klein	Smith



Villalobos  
Wasserman Schultz  
Nays—None

Webster

Wilson

Vote after roll call:

Yea—Lawson

**CS for SB 2560**—A bill to be entitled An act relating to regulation of professions and occupations; repealing ss. 468.401, 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.412, 468.413, 468.414, 468.415, F.S., relating to the regulation of talent agencies; providing for the department to continue outstanding legal proceedings; providing an effective date.

—was read the second time by title.

Senator Diaz de la Portilla moved the following amendment which was adopted:

**Amendment 1 (725444)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 1003.433, Florida Statutes, is created to read:

*1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—*

*(1) Students who enter a Florida public school at the eleventh or twelfth grade from out of state or from a foreign country shall not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which he or she is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must earn a 2.0 grade point average and pass the grade 10 FCAT required in s. 1008.22(3) or an alternate assessment as described in s. 1008.22(9).*

*(2) Students who have met all requirements for the standard high school diploma except for passage of the grade 10 FCAT or an alternate assessment by the end of grade 12 must be provided the following learning opportunities:*

*(a) Participation in an accelerated high school equivalency diploma preparation program during the summer.*

*(b) Upon receipt of a certificate of completion, be allowed to take the College Placement Test and be admitted to remedial or credit courses at a state community college, as appropriate.*

*(c) Participation in an adult general education program as provided in s. 1004.93 for such time as the student requires to master English, reading, mathematics, or any other subject required for high school graduation. Students attending adult basic, adult secondary, or vocational-preparatory instruction are exempt from any requirement for the payment of tuition and fees, including lab fees, pursuant to s. 1009.25. A student attending an adult general education program shall have the opportunity to take the grade 10 FCAT an unlimited number of times in order to receive a standard high school diploma.*

*(3) Students who have been enrolled in an ESOL program for less than 2 school years and have met all requirements for the standard high school diploma except for passage of the grade 10 FCAT or alternate assessment may receive immersion English language instruction during the summer following their senior year. Students receiving such instruction are eligible to take the FCAT or alternate assessment and receive a standard high school diploma upon passage of the grade 10 FCAT or the alternate assessment. This subsection shall be implemented to the extent funding is provided in the General Appropriations Act.*

*(4) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.*

Section 2. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended, subsection (9) is renumbered as subsection (10), and a new subsection (9) is added to said section, to read:

1008.22 Student assessment program for public schools.—

(3) **STATEWIDE ASSESSMENT PROGRAM.**—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program, to be administered annually in grades 3 through 10 to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, post-secondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The testing program will include a combination of norm-referenced and criterion-referenced tests and include, to the extent determined by the commissioner, questions that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Students must earn a passing score on the grade 10 assessment test described in this paragraph or on an alternate assessment as described in subsection (9) in reading, writing, and mathematics to qualify for a regular high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. All students who took the grade 10 FCAT during the 2000-2001 school year shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2001 test administration. Such students who did not earn the established passing scores and must repeat the grade 10 FCAT are required to earn the passing scores established for the March 2001 test administration. All students who take the grade 10 FCAT for the first time in March 2002 and thereafter shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2002 test administration. The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall only apply to students taking the grade 10 FCAT after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications. A parent must provide signed consent for a student to receive instructional modifications that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations and



modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable.

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with accommodations or modifications that are not allowable in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

9. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the skills and competencies established in the Florida Sunshine State Standards.

The commissioner may design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state.

(9) **EQUIVALENCIES FOR STANDARDIZED TESTS.**—*The State Board of Education shall study the comparable validity of other available standardized tests, including the SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for entry into the military, and shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2003. If such tests are deemed to be valid and reliable measures, the State Board of Education shall adopt scores on such tests that will equate to the FCAT passing rate for purposes of high school graduation. If no existing standardized assessment is deemed to be a valid and reliable measure, the State Board of Education may initiate the development of a valid and reliable alternate assessment. Students who attain scores that equate to the FCAT passing rate for purposes of high school graduation on one of the approved tests shall satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.43(5)(a).*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to high school graduation; creating s. 1003.433, F.S.; providing learning opportunities for certain students to meet high school graduation requirements; providing requirements for certain transfer students; authorizing alternate assessments; authorizing rules; amending s. 1008.22, F.S., relating to student assessment for public schools; providing for alternate assessments for the grade 10 FCAT; providing an effective date.

Senator Clary moved the following amendment:

**Amendment 2 (982630)(with title amendment)**—On page 1, lines 14-29, delete those lines and insert:

Section 1. Paragraph (b) of subsection (2) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

(2) **ELIGIBILITY CRITERIA.**—To be eligible to seek certification pursuant to this chapter, a person must:

(b) ~~File an affidavit a written statement, under oath,~~ that the applicant subscribes to and will uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida *and that the information provided in the application is true, accurate, and complete. The affidavit shall be in substantially the following form:—*

*Under penalty of perjury, I, (name of applicant), do hereby certify that I subscribe to and will uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida and that all information provided in this application is true, accurate, and complete.*

*Signature or electronic authentication*

*The affidavit shall include substantially the following warning:*

**WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN OR RENEW A FLORIDA EDUCATOR'S CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS SUBJECT TO CRIMINAL PROSECUTION, AS WELL AS DISCIPLINARY ACTION BY THE EDUCATION PRACTICES COMMISSION.**

Section 2. Section 1012.561, Florida Statutes, is created to read:

1012.561 Address of record.—

(1) *Each certified educator is responsible for notifying the Bureau of Educator Certification of a change of address. A certified educator or applicant for certification who is employed by a district school board must notify his or her employing school district of a change of address in writing within 10 days after the change has occurred. The employing district school board must notify the bureau of the change of address, in the manner prescribed by the Department of Education, within 20 days after the district school board receives such notification.*

(2) *Notwithstanding any other provision of law to the contrary, effective January 1, 2004, service by regular mail to a certified educator's or applicant's last known address of record with the bureau constitutes adequate and sufficient notice to the certified educator or applicant of any official communication, except for an administrative complaint or a notice of denial, to the educator or applicant by the Department of Education, the Education Practices Commission, or the Recovery Network for Educators.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) through line 9, after the semicolon (;) delete those lines and insert: amending s. 1012.56, F.S.; prescribing an affidavit for educator certification eligibility requirements; creating s. 1012.561, F.S.; requiring certain certified educators and applicants for certification as an educator to notify the employing school district of any change of address; requiring the school district to notify the Bureau of Educator Certification of the change of address; authorizing service by regular mail for certain purposes;

On motion by Senator Diaz de la Portilla, further consideration of **CS for SB 2560** with pending **Amendment 2 (982630)** was deferred.

Consideration of **SB 2486** was deferred.

## MOTION

On motion by Senator Constantine, the House was requested to return **CS for CS for SB 574**.

## REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable James E. "Jim" King, Jr.  
President, The Florida Senate

May 2, 2003

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment

Board of Accountancy

For Term  
Ending

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointees: Quinlan, John V.	10/31/2006	Brewer, Walter L.	05/31/2005
Thielen, James F.	10/31/2006	Chapman, Tristan G.	05/31/2005
Tipton, David C.	10/31/2006	McSweeney, Anina C.	05/31/2003
		Smith, Elson R.	05/31/2005
Board of Acupuncture		Board of Clinical Laboratory Personnel	
Appointees: Karr, Paulette M.	10/31/2003	Appointees: Bertholf, Roger L.	10/31/2006
Rosello, Gloria	10/31/2004	Breckenridge, Tonia	10/31/2006
Wang, Qun	10/31/2005	Goldberg, Barbara	10/31/2006
Xu, Zonglan	10/31/2005		
Jacksonville Airport Authority		Florida Communities Trust	
Appointee: Weaver, Ronald M.	09/30/2005	Appointee: Alfonso, Albert E.	01/31/2005
St. Augustine-St. Johns County Airport Authority		Florida Commission on Community Service	
Appointee: Green, Suzanne Worrall	01/03/2005	Appointees: Asia, Cynthia O.	09/14/2005
		Brooks, Deborah H.	09/14/2005
Board of Architecture and Interior Design		Corry, Laura R.H.	09/14/2004
Appointees: Bullock, Ellis W., Jr.	10/31/2005	Evans, Gloria E.	09/14/2005
Horstmyer, Kenneth L.	10/31/2004	Greene, Marcia	09/14/2003
Reeves, Mary Jane	10/31/2005	Guthrie, George R.	09/14/2004
Rodriguez, Miguel A.	10/31/2005	Lautenberger, Jacqueline	09/14/2004
		Lopes, Sandra J.	09/14/2005
Board of Athletic Training		Miller-Harden, Patricia	09/14/2004
Appointees: Burrell, John F.	10/31/2006	Rivas, Eduardo R.	09/14/2004
Hill, James G.	10/31/2005	Sanjuan, Maria T.	09/14/2004
Underwood, Joseph W.	10/31/2006	Shore, Maureen	09/14/2005
Watkins, Robert E., Jr.	10/31/2005	Simmers, Cheryl C.	09/14/2003
Wong, Stanley B.	10/31/2005	Spillane, Megan M.	09/14/2005
		Wallace, Joan S.	09/14/2005
Florida Board of Auctioneers		Board of Trustees of Brevard Community College	
Appointees: Accardo, Craig G.	10/31/2003	Appointees: Martinez, Miriam E.	05/31/2006
Dietrich, Hugh Fred III	10/31/2006	Williams, Alexandra Penn	05/31/2006
Elms, S. Annette	10/31/2005		
Hill, Jo Ann	10/31/2005	Board of Trustees of Broward Community College	
Moecker, Michael E.	10/31/2004	Appointees: Douglass, Georgette Sosa	05/31/2006
		Williams, Levi G.	05/31/2006
Greater Orlando Aviation Authority		Board of Trustees of Central Florida Community College	
Appointees: Bradley, Jacqueline	04/16/2006	Appointees: Rasbury, Frank M.	05/31/2006
Fuqua, Jeffry B.	04/16/2006	Runnels, Carol	05/31/2006
Barbers' Board		Board of Trustees of Chipola Junior College	
Appointees: Collins, Robert W.	10/31/2003	Appointees: Padgett, John W.	05/31/2006
Scott, Jeri	10/31/2004	Plummer, Mark S.	05/31/2006
White, Herman	10/31/2004	Ryals, Daniel E. III	05/31/2005
Florida Black Business Investment Board, Inc.		Board of Trustees of Daytona Beach Community College	
Appointees: Batties, Leila	06/30/2004	Appointees: Burden, Beatriz H.	05/31/2006
Little, Sonya C.	06/30/2005	Callender, Lynnette James	05/31/2006
Siclait, Raoul	06/30/2006		
Stokes, Curtis L.	06/30/2005	Board of Trustees of Edison Community College	
		Appointees: Carr, Darol H. M.	05/31/2006
Florida State Boxing Commission		Gorvine, Enid S.	05/31/2006
Appointee: Bowen, Donald E.	09/30/2005	Houghton, W. Mahlan, Jr.	05/31/2006
		Perry, Julia G.	05/31/2004
Florida Building Code Administrators and Inspectors Board		Board of Trustees of Florida Community College at Jacksonville	
Appointees: Sheridan, Charles M.	10/31/2005	Appointees: Asay, Linda H.	05/31/2006
Weber, Joseph W.	10/31/2004	Fryer, Thomas W., Jr.	05/31/2006
Zicaro, James T.	10/31/2005	Smith, Emily B.	05/31/2006
Florida Building Commission		Board of Trustees of Florida Keys Community College	
Appointees: Bahadori, Hamid R.	02/07/2005	Appointees: Bell-Thomson, Jennifer S.	05/31/2006
Bassett, Steven C.	12/08/2005	Butler, Frank H.	05/31/2006
Calpini, John R.	03/11/2005		
Carson, Ed	04/05/2005	Board of Trustees of Gulf Coast Community College	
Corn, Stephen H.	02/11/2005	Appointees: Cramer, William Cato, Jr.	05/31/2006
Gonzalez, Herminio F.	01/06/2005	Myers, Stephen C.	05/31/2006
Greiner, Dale T.	01/09/2005	Sumner, William C.	05/31/2006
Kidwell, Paul D.	01/13/2005		
Kim, Do Yeon	11/21/2003	Board of Trustees of Hillsborough Community College	
Richardson, Diana	02/07/2005	Appointees: Gonzalez, W. Edward	05/31/2006
		Hill, Chappella I.	05/31/2006
Board of Chiropractic Medicine		Board of Trustees of Indian River Community College	
Appointees: Perman, William	10/31/2006	Appointees: Abernethy, Bruce R., Sr.	05/31/2006
Vogel, Trudi E.	10/31/2006		
Florida Citrus Commission			
Appointees: Alexander, John R.	05/31/2005		

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Hoag, Leonard J.	05/31/2005	Board of Trustees of Valencia Community College	
Kirton, Cheryl L.	05/31/2006	Appointees: Blocker, Ronald	05/31/2005
Perez, Tomas Rene	05/31/2006	Freytes, Dennis O.	05/31/2006
Syfrett, Linda T.	05/31/2006	Moore, Edward A.	05/31/2006
		Oliver, Lewis M. III	05/31/2006
Board of Trustees of Lake City Community College			
Appointees: Brannan, Robert C. III	05/31/2003	Construction Industry Licensing Board	
Landon, Stevie	05/31/2006	Appointees: Blankenship, Michael L.	10/31/2003
Surrency, James	05/31/2006	Chung, Lee-En	10/31/2006
Wall, Harriet	05/31/2006	Engelmeier, Carl	10/31/2006
		Hoke, Christine	10/31/2005
Board of Trustees of Lake-Sumter Community College		Kalmanson, Barry	10/31/2003
Appointees: Miller, Jeffrey A.	05/31/2006	Smith, John B.	10/31/2004
Norman, Joe M.	05/31/2006		
Pruitt, William R.	05/31/2006	Florida Corrections Commission	
		Appointees: Cadwell, Welton G.	06/30/2006
Board of Trustees of Manatee Community College		Evers, Bill	06/30/2006
Appointees: Battie, Henry	05/31/2004	Grizzard, O. Jane	06/30/2006
Boone, Stephen K.	05/31/2006	Schembri, Anthony J.	06/30/2006
DuPont, Francis I.	05/31/2006		
		Board of Cosmetology	
Board of Trustees of Miami-Dade Community College		Appointees: Brown, Laura D.	10/31/2006
Appointees: Calderin, Carolina	05/31/2006	Smith, Monica Schuloff	10/31/2003
Martinez, Roberto	05/31/2006	White, Anthony M.	10/31/2005
Board of Trustees of North Florida Community College		Board of Trustees for the Florida School for the Deaf and the Blind	
Appointees: Boatright, Johnnie Walter, Jr.	05/31/2006	Appointees: Dillon, Mary Jane	11/20/2005
Gibson, Linda F.	05/31/2006	Rojas, Maria Teresa	11/13/2005
Helvenston, Brantly "B.W." W.	05/31/2006		
		Board of Dentistry	
Board of Trustees of Okaloosa-Walton Community College		Appointees: Gainey, Elmira R.	10/31/2006
Appointees: Hall, Connie S.	05/31/2006	Levsky, Stanley S.	10/31/2006
Wells, Esteena K.	05/31/2006	Melzer, Carl J.	10/31/2006
Wilkerson, H. Wesley	05/31/2006		
		Education Practices Commission	
Board of Trustees of Palm Beach Community College		Appointees: Ansley, Clarence Wayne	09/30/2005
Appointee: Watt, James L.	05/31/2006	Brooks, Roy	09/30/2006
		Casey, Lucile O.	09/30/2006
Board of Trustees of Pasco-Hernando Community College		Dancy, Linda C.	09/30/2006
Appointees: Braak, Judith F.	05/31/2006	Daniel, Trent K.	09/30/2003
Gavish, Jeanne M.	05/31/2006	Gilbert, Dane	09/30/2006
Parker, Judy R.	05/31/2006	Griffin, Dennis J.	09/30/2003
		Seales, Carlos D.	09/30/2004
Board of Trustees of Pensacola Junior College		Shepard, Deborah	09/30/2005
Appointees: Andry, Vincent R.	05/31/2005	Williams, Angela P.	09/30/2004
Tait, Thomas D.	05/31/2006	Williams, Grace	09/30/2005
Usry, Dona W.	05/31/2006		
Young, Deidre L.	05/31/2006	Florida Elections Commission, Chair	
		Appointee: Irvine, Frances "Chance" L.	01/01/2007
Board of Trustees of Polk Community College			
Appointee: Ross, Cynthia H.	05/31/2006	Electrical Contractors' Licensing Board	
		Appointees: Abreu, Arnaldo L.	10/31/2004
Board of Trustees of St. Johns River Community College		Bellemare, Pierre A.	10/31/2005
Appointees: Cone, Barbara H.	05/31/2006	DeBerry, Kimberly A.	10/31/2005
Lancaster, Larry R.	05/31/2006	Mugford, Norman R.	10/31/2003
Sloan, Preston B.	05/31/2006	Roberts, Lewis C.	10/31/2004
		Sandefor, Paul W.	10/31/2005
Board of Trustees of St. Petersburg College			
Appointees: Johnston, W. Richard	05/31/2006	Board of Professional Engineers	
Jones, Susan D.	05/31/2006	Appointees: Duyos, Jorge R.	10/31/2005
		Miller, R. Gerry	10/31/2005
Board of Trustees of Santa Fe Community College		Tomasino, Paul	10/31/2005
Appointees: Bradley, Winston J.	05/31/2006		
Brashear, Glenna F.	05/31/2006	Commission on Ethics	
McRae, Arley W.	05/31/2006	Appointees: Grant, John A., Jr.	06/30/2003
		Jones, Kurt D., Sr.	06/30/2004
Board of Trustees of Seminole Community College			
Appointees: English, Charles W.	05/31/2006	Tampa-Hillsborough County Expressway Authority	
Miller, Sidney C.	05/31/2006	Appointees: Clark, Robert J., Jr.	07/01/2004
		Gibbs, J. Thomas	07/01/2006
Board of Trustees of South Florida Community College			
Appointees: DeLatorre, Gary	05/31/2006	Fish and Wildlife Conservation Commission	
Hartt, Joan H.	05/31/2006	Appointees: Corbett, Richard A.	01/06/2008
Vickers, Audrey	05/31/2006	Huffman, Hersey A.	08/01/2007
		Kaupe, Sandra T.	01/06/2007
Board of Trustees of Tallahassee Community College		Meehan, David K.	08/01/2007
Appointees: Callaway, Donna G.	05/31/2006	Rood, John D.	08/01/2007
Messersmith, Frank S.	05/31/2006		

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Funeral Directors and Embalmers		Solernou, Sofia	10/31/2005
Appointees: Hall, Alfonza L.	10/31/2006		
Matt, Dwayne Elliott	10/31/2006	Board of Podiatric Medicine	
Reninger, June Lee	10/31/2005	Appointees: Pearce, Beth S.	10/31/2006
Zippay, Catherine W.	10/31/2005	Sindone, Joseph L.	10/31/2005
		Strickland, James G.	10/31/2006
Board of Hearing Aid Specialists			
Appointees: Green, J. Douglas, Jr.	10/31/2005	Tampa Port Authority	
Lowell, Alan L.	10/31/2006	Appointee: Diaz, Joseph F.	11/14/2006
Stevens, Frances M.	10/31/2005		
Higher Educational Facilities Financing Authority		Florida Prepaid College Board	
Appointee: Czerniec, Timothy H.	01/17/2008	Appointees: Hamilton, Christyne B.	06/30/2005
		McNeilage, Bruce W.	06/30/2003
Citrus County Hospital Board		Board of Directors, Prison Rehabilitative Industries and	
Appointee: Langer, David	07/08/2006	Diversified Enterprises, Inc.	
		Appointees: Dresser, William G.	09/30/2006
Florida Housing Finance Corporation		Hamilton, Lawrence W.	09/30/2006
Appointees: Evans, William G.	11/13/2006	Hanas, Richard L.	09/30/2005
Maxwell, D. Jack	11/13/2006	Hill, Walter B.	09/30/2005
Ruiz, Zully	11/13/2004	Stephenson, Gwendolyn W.	09/30/2005
Santini, Terry	11/13/2006		
Taylor, R. Jay	11/13/2006	Board of Psychology	
		Appointees: Levine, Cheryl	10/31/2005
Florida Commission on Human Relations		Rivas-Vazquez, Rafael A.	10/31/2005
Appointees: Paige, Roosevelt	09/30/2006		
Singer, Gilbert M.	09/30/2006	Public Employees Relations Commission	
Valle, Mario Manuel	09/30/2006	Appointee: Varn, Jessica Enciso	01/01/2006
Pinellas County Board of Juvenile Welfare		Florida Real Estate Appraisal Board	
Appointees: Caramello, Janet	08/07/2006	Appointees: Birch, Patricia J.	10/31/2006
Sayler, Van C.	08/11/2006	McDonell, Mark A.	10/31/2005
Smith, Joseph A.	08/11/2006	Wright, Cynthia H.	10/31/2006
Board of Landscape Architecture		Apalachee Regional Planning Council, Region 2	
Appointees: Graham, Philip H., Jr.	10/31/2005	Appointees: Ranie, Benjamin F.	10/01/2004
Marshall-Beasley, Elizabeth	10/31/2005	Stanfield, Kevin L.	10/01/2004
		Stuart, Winston L., Jr.	10/01/2004
Governor's Mansion Commission			
Appointees: Smith, Carole C.	09/30/2005	East Central Florida Regional Planning Council, Region	
Thrasher, Mary Jean	09/30/2006	6	
Uhlfelder, Mifflin H.	09/30/2003	Appointees: O'Keefe, Daniel T.	10/01/2003
		Smith, Evelyn H.	10/01/2004
Atlantic States Marine Fisheries Commission			
Appointee: Lane, Kathy Barco	09/04/2004	Central Florida Regional Planning Council, Region 7	
		Appointees: Ratliff, Michael R.	10/01/2004
Board of Massage Therapy		Rimer, James M.	10/01/2003
Appointees: Andriole, Irene D.	10/31/2004	Tucker, Jacqueline W.	10/01/2004
Wolfe, Lynda Solien	10/31/2005		
		Southwest Florida Regional Planning Council, Region 9	
Board of Medicine		Appointees: Emblidge, Margaret	10/01/2004
Appointees: McCoy, Terence P.	10/31/2006	Green, James E.	10/01/2004
Tucker, Elisabeth D.	10/31/2006	Watts, John R.	10/01/2004
Vijayanagar, Raghavendra R.	10/31/2006		
		Treasure Coast Regional Planning Council, Region 10	
Board of Nursing		Appointees: Hurley, Richard E.	10/01/2004
Appointee: Seitz, Maria	10/31/2005	Mehl, Bertram	10/01/2004
		Webb, Elizabeth	10/01/2004
Board of Opticianry			
Appointees: Penley, Sonya C.	10/31/2004	South Florida Regional Planning Council, Region 11	
Rowley, Harry Clayton	10/31/2005	Appointees: Asseff, Patricia T.	10/01/2004
Slattery, Margaret E.	10/31/2006	Mapes, Lynn C.	10/01/2003
		Riesco, Jose A.	10/01/2004
Board of Optometry			
Appointees: McClane, John W. III	10/31/2006	State Retirement Commission	
Oles, Cathy Ann	10/31/2005	Appointee: Melow, Lawrence R.	12/31/2005
Rink, Anita M.	10/31/2006		
Sterling, Alice	10/31/2005	Florida Space Authority	
		Appointees: Butchko, Michael J.	06/30/2005
Board of Osteopathic Medicine		Gonzalez, George L.	06/30/2005
Appointees: Allaire, Patricia A.	10/31/2005	Pickavance, William W., Jr.	06/30/2006
Andriole, James M.	10/31/2006		
McPheeters, Patricia A.	10/31/2003	Board of Speech-Language Pathology and Audiology	
Moran, Glenn K.	10/31/2006	Appointees: Antonelli, Patrick J.	10/31/2005
		Gaunt-Jaehne, Barbara B.	10/31/2005
Board of Physical Therapy Practice			
Appointees: Belser, Chauncey	10/31/2005	Board of Professional Surveyors and Mappers	
Clendenin, Martha Anne	10/31/2006	Appointees: Armenteros, Omar	10/31/2006
Middleton, Marilyn J.	10/31/2003	Lebron, Louis J.	10/31/2006

<i>Office and Appointment</i>		<i>For Term Ending</i>	
Florida Commission on Tourism			The following executive appointment was referred to the Senate Committee on Governmental Oversight and Productivity and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Governmental Oversight and Productivity did not consider the following appointment during the 2003 Regular Session. The Senate Committee on Ethics and Elections considered and recommended the executive appointment for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate.
Appointees:	Atchison, James "Jim"	06/30/2004	
	Bennett, R. Julian	06/30/2006	
	Cabrera, Carlos	06/30/2005	
	Fowler, R. Dean	06/30/2006	
	Fraser, Elaine	06/30/2005	
	Jackson, Richard M.	06/30/2005	
	Jones, Darrel C.	06/30/2005	
	McCreary, William W.	06/30/2006	
	Stork, Thom	06/30/2006	
	Wheeler, Harold D.	06/30/2004	
	Winn, Sherman S.	06/30/2005	
Jacksonville Transportation Authority			<i>Office and Appointment</i>
Appointee:	Howard, Marcia Morales	05/31/2006	
Florida Transportation Commission			Investment Advisory Council
Appointees:	Brown, C. David II	09/30/2006	McCague, Beth Ayers
	Durden, K. Earl	09/30/2006	12/12/2006
Florida Commission on Veterans' Affairs			As required by Rule 12.7(1), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.
Appointees:	Armbrister, Anthony P.	11/16/2006	
	Bono, Guy	11/16/2006	
	Linden, Albert H., Jr.	11/16/2006	
	Martory, Joseph J.	11/16/2006	
	Watson, Eileen K.	11/16/2006	
Board of Veterinary Medicine			After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:
Appointees:	Helm, JoAnn K.	10/31/2006	(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;
	Love, Susan K.	10/31/2005	(2) Senate action on said appointments be taken prior to the adjournment of the 2003 Regular Session; and
	Vega, Sergio	10/31/2005	(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.
Alafia River Basin Board of the Southwest Florida Water Management District			The following executive appointments were referred to the Senate Committee on Health, Aging and Long-Term Care and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:
Appointees:	Harris, Wayne L.	03/01/2006	
	Kixmiller-Shamblin, Brenda Lee	03/01/2006	
	Selvey, James D.	03/01/2005	
Coastal Rivers Basin Board of the Southwest Florida Water Management District			<i>Office and Appointment</i>
Appointees:	Bunch, William Y.	03/01/2005	
	Miskimen, George W.	03/01/2006	
	Tria, Leonard F., Jr.	03/01/2005	
Hillsborough River Basin Board of the Southwest Florida Water Management District			Secretary of Health Care Administration
Appointees:	Burt, George R.	03/01/2005	Appointee: Medows, Rhonda M.
	Jackson, Janet A.	03/01/2006	Pleasure of Governor
	Johnson, Fred O.	03/01/2006	
	Reckart, Gary P., Jr.	03/01/2005	Secretary of Elderly Affairs
Manasota Basin Board of the Southwest Florida Water Management District			Appointee: White, Terry F.
Appointee:	Sardina, Evelio J.	03/01/2005	Pleasure of Governor
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District			Secretary of Health
Appointees:	DiMaio, Mercedes B.	03/01/2005	Appointee: Agwunobi, John O.
	Rovira-Forino, Maritza	03/01/2005	Pleasure of Governor
Peace River Basin Board of the Southwest Florida Water Management District			The following executive appointments were referred to the Senate Committee on Regulated Industries and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:
Appointees:	Baxter, Tracy T.	03/01/2005	
	Hageman, James L.	03/01/2006	
	Lazzell, Rufus C.	03/01/2006	
	Reynolds, Gregory S.	03/01/2006	
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District			<i>Office and Appointment</i>
Appointees:	Adams, Maryellen	03/01/2005	
	England, Terry Michael	03/01/2006	
	Fischer, Rodney S.	03/01/2006	
	Starkey, Kathryn	03/01/2005	
Withlacoochee River Basin Board of the Southwest Florida Water Management District			Secretary of Business and Professional Regulation
Appointee:	Mazak, Paul II	03/01/2005	Appointee: Carr, Diane W.
			Pleasure of Governor
			Secretary of the Department of the Lottery
			Appointee: Mattingly, Rebecca Dirden
			Pleasure of Governor
			The following executive appointment was referred to the Senate Committee on Comprehensive Planning and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Community Affairs Appointee: Castille, Colleen M.	Pleasure of Governor	Kovach, Janet D. Rice, Talmadge G.	03/01/2006 03/01/2007
The following executive appointments were referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the of the Florida Senate:		Governing Board of the Suwannee River Water Management District Appointees: Davidson, Charles Linden Everett, Don R., Jr. Pope, William David III	03/01/2007 03/01/2007 03/01/2007
<i>Office and Appointment</i>	<i>For Term Ending</i>	The following executive appointments were referred to the Senate Committee on Governmental Oversight and Productivity and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate.	
Secretary of Corrections Appointee: Crosby, James V., Jr.	Pleasure of Governor	<i>Office and Appointment</i>	<i>For Term Ending</i>
Director, Office of Drug Control Appointee: McDonough, James R.	Pleasure of Governor	Investment Advisory Council Appointees: Burton, Donald W. Wood, Gary W.	12/12/2003 12/12/2006
Secretary of Juvenile Justice Appointee: Bankhead, William G.	Pleasure of Governor	Secretary of Management Services Appointee: Simon, William S.	Pleasure of Governor
Parole Commission Appointee: Dunphy, Frederick B.	06/30/2008	The following executive appointments were referred to the Senate Committee on Communication and Public Utilities and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate.	
The following executive appointments were referred to the Senate Committee on Commerce and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:		<i>Office and Appointment</i>	<i>For Term Ending</i>
<i>Office and Appointment</i>	<i>For Term Ending</i>	Florida Public Service Commission Appointees: Davidson, Charles M. Deason, J. Terry	01/01/2007 01/01/2007
Board of Directors, Enterprise Florida, Inc. Appointees: Habermeyer, Howard William, Jr Leonhardt, Frederick W. Otis, Clarence, Jr.	07/01/2006 07/01/2004 07/01/2006	The following executive appointment was referred to the Senate Committee on Transportation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate.	
The following executive appointments were referred to the Senate Committee on Natural Resources and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:		<i>Office and Appointment</i>	<i>For Term Ending</i>
<i>Office and Appointment</i>	<i>For Term Ending</i>	Secretary of Transportation Appointee: Abreu, Jose	Pleasure of Governor
Secretary of Environmental Protection Appointee: Struhs, David B.	Pleasure of Governor	The following executive appointment was referred to the Senate Committee on Military and Veterans' Affairs, Base Protection, and Spaceports and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate.	
Executive Director, Fish and Wildlife Conservation Commission Appointee: Haddad, Kenneth D.	Pleasure of Commission	<i>Office and Appointment</i>	<i>For Term Ending</i>
Governing Board of the Northwest Florida Water Management District Appointees: Bodie, Marvin Wayne Estes, Joyce S. McMullian, L. E., Jr.	03/01/2007 03/01/2007 03/01/2007	Executive Director of Department of Veterans' Affairs Appointee: McPherson, Warren R.	Pleasure of Governor and Cabinet
Governing Board of the St. Johns River Water Management District Appointees: Albright, Robert Clayton Long, Ometrias Deon	03/01/2007 03/01/2007	The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate.	
Governing Board of the South Florida Water Management District Appointees: Bagué, Irela McCarty, Kevin Williams, Trudi K.	03/01/2007 03/01/2007 03/01/2007	<i>Office and Appointment</i>	<i>For Term Ending</i>
Governing Board of the Southwest Florida Water Management District Appointees: Haynes, Watson L. II	03/01/2006	State Board of Education Appointees: Bradshaw, Sally Eads, Linda J. Fair, Talmadge W. Garcia, Charles P. Handy, F. Philip	12/31/2005 12/31/2004 12/31/2006 12/31/2004 12/31/2006

<i>Office and Appointment</i>		<i>For Term Ending</i>	<i>Office and Appointment</i>		<i>For Term Ending</i>
Board of Governors Appointees:	Johnson, Julia L.	12/31/2005	Board of Trustees, Florida Atlantic University Appointees: Adams, Scott H.		To Be Determined by the Florida Legislature
	Proctor, William L.	12/31/2005			
	Bilbrey, Pamela A.	To Be Determined by the Florida Legislature		Blosser, Nancy W.	
	Dasburg, John H.	To Be Determined by the Florida Legislature		Dominicis, Jorge A.	
	De Grandy, Miguel	To Be Determined by the Florida Legislature		Ecclestone, E. Llwyd	
	Heiser, Rolland V.	To Be Determined by the Florida Legislature		Miller, Virginia I.	
	Moll, Gerri	To Be Determined by the Florida Legislature		Plymale, Sherry	
	Newton, Joan W.	To Be Determined by the Florida Legislature			
	Petway, Thomas F. III	To Be Determined by the Florida Legislature	Board of Trustees, University of Central Florida Appointees: Albertson, Judy		
	Roberts, Carolyn King	To Be Determined by the Florida Legislature		Calvet, Olga M.	
	Sullivan, Chris	To Be Determined by the Florida Legislature		Ferris, Geraldine "Gerri" M.	
	Temple, John W.	To Be Determined by the Florida Legislature		Klock, Phyllis	
	Uhlfelder, Steven J.	To Be Determined by the Florida Legislature		Nunis, Richard A.	
	Zachariah, Zachariah P.	To Be Determined by the Florida Legislature		Santiago, Conrad	
Board of Trustees, Florida A & M University Appointees:	Bishop, Barney T. III	To Be Determined by the Florida Legislature	Board of Trustees, Florida State University Appointees: Duda, Emily June		To Be Determined by the Florida Legislature
	Duncan, Pamela Davis	To Be Determined by the Florida Legislature		Haggard, Wm. Andrew	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Smith, Jim	To Be Determined by the Florida Legislature	Presha, Walter L. "Mickey"	To Be Determined by the Florida Legislature
Thrasher, John	To Be Determined by the Florida Legislature	Raeburn, Vicki Pearthree	To Be Determined by the Florida Legislature
Board of Trustees, Florida Gulf Coast University Appointees: Hart, Larry D.	To Be Determined by the Florida Legislature	Simendinger, Alexis A.	To Be Determined by the Florida Legislature
Lee, René Francis	To Be Determined by the Florida Legislature	Smiley, Jane T.	To Be Determined by the Florida Legislature
Lutgert, Scott F.	To Be Determined by the Florida Legislature	Board of Trustees, University of Florida Appointees: Criser, Marshall M., Jr.	To Be Determined by the Florida Legislature
Taylor, Linda K.	To Be Determined by the Florida Legislature	Daniels, Roland C.	To Be Determined by the Florida Legislature
Board of Trustees, Florida International University Appointees: Calderon, Rafael A.	To Be Determined by the Florida Legislature	Fernandez, Manuel A.	To Be Determined by the Florida Legislature
Dotson, Albert E.	To Be Determined by the Florida Legislature	Board of Trustees, University of North Florida Appointees: Gonzalez, Wilfredo J.	To Be Determined by the Florida Legislature
Frost, Patricia	To Be Determined by the Florida Legislature	Kendrick, Wanyonyi	To Be Determined by the Florida Legislature
Henriques, Adolfo	To Be Determined by the Florida Legislature	Taylor, R. Bruce	To Be Determined by the Florida Legislature
Pino, Sergio	To Be Determined by the Florida Legislature	Thompson, Carol C.	To Be Determined by the Florida Legislature
Puig, Claudia	To Be Determined by the Florida Legislature	Board of Trustees, University of South Florida Appointees: Cancio, Margarita R.	To Be Determined by the Florida Legislature
Board of Trustees, New College of Florida Appointees: Johnson, Robert M.	To Be Determined by the Florida Legislature	Ramil, John B.	To Be Determined by the Florida Legislature
Lowman, Margaret D.	To Be Determined by the Florida Legislature	Board of Trustees, University of West Florida Appointees: Epps, Lornetta Taylor	To Be Determined by the Florida Legislature



*Office and Appointment*

Gilluly, Martha Alice

Herrick, Sharon Hess

*For Term  
Ending*To Be  
Determined  
by the  
Florida  
Legislature  
To Be  
Determined  
by the  
Florida  
LegislatureThe Honorable James E. "Jim" King, Jr.  
President, The Florida Senate

May 2, 2003

Dear Mr. President:

The following executive appointment was referred to the Senate Committee on Governmental Oversight and Productivity and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

*Office and Appointment**For Term  
Ending*

Secretary of State

Appointee: Hood, Glenda E.

Pleasure of  
Governor

As required by Rule 12.7(1), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2003 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully Submitted,  
Anna P. Cowin, Chairman

On motion by Senator Cowin, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—38

Alexander	Diaz de la Portilla	Peadar
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

**DISCLOSURE OF VOTE**

In an abundance of caution and in order to avoid even an appearance of impropriety because of a failure to specifically disclose it, I am disclosing that my spouse, Susan Davis, Ph.D., is pending confirmation as a re-appointed Trustee of St. Petersburg College, and that as a member of the Florida Senate, it is my duty to, and I have today voted on all the pending confirmations, including hers.

Dennis L. Jones, 13th District

**INTRODUCTION OF FORMER SENATOR**

Senator Cowin introduced former Senator William G. "Bill" Bankhead, currently serving as Secretary of Juvenile Justice, who was present in the chamber. Secretary Bankhead's confirmation was contained in the list of appointments in the foregoing report.

As required by Rule 12.7(1), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry, the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointment of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointment be taken prior to the adjournment of the 2003 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointment to be held in executive session.

Respectfully Submitted,  
Anna P. Cowin, Chairman

On motion by Senator Cowin, the report was adopted and the Senate confirmed the appointment identified in the foregoing report of the committee to the office and for the term indicated in accordance with the recommendation of the committee. The vote was:

Yeas—26

Alexander	Diaz de la Portilla	Peadar
Argenziano	Dockery	Posey
Atwater	Fasano	Pruitt
Bullard	Garcia	Saunders
Carlton	Haridopolos	Sebesta
Clary	Jones	Villalobos
Constantine	Lee	Webster
Cowin	Lynn	Wise
Crist	Margolis	

Nays—8

Bennett	Klein	Wasserman Schultz
Dawson	Miller	Wilson
Hill	Siplin	

Vote after roll call:

Yea—Aronberg, Lawson, Smith

Nay to Yea—Bennett

The Honorable James E. "Jim" King, Jr.  
President, The Florida Senate

May 2, 2003

Dear Mr. President:

The following executive appointment was referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

*Office and Appointment*

Board of Trustees, Florida A & M University  
Appointee: Corbin, James Douglas

*For Term  
Ending*

To Be  
Determined  
by the  
Florida  
Legislature

As required by Rule 12.7(1), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry, the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointment of the above-named appointee, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointment be taken prior to the adjournment of the 2003 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointment to be held in executive session.

Respectfully Submitted,  
Anna P. Cowin, Chairman

On motion by Senator Cowin, the report was adopted and the Senate confirmed the appointment identified in the foregoing report of the committee to the office and for the term indicated in accordance with the recommendation of the committee. The vote was:

## Yeas—29

Alexander	Crist	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Peaden
Atwater	Fasano	Posey
Bennett	Garcia	Pruitt
Bullard	Geller	Saunders
Carlton	Haridopolos	Villalobos
Clary	Jones	Webster
Constantine	Lawson	Wise
Cowin	Lee	

## Nays—7

Dawson	Miller	Wasserman Schultz
Hill	Siplin	Wilson
Klein		

Vote after roll call:

Yea—Smith

The Honorable James E. “Jim” King, Jr.  
President, The Florida Senate

May 2, 2003

Dear Mr. President:

The following executive appointment was referred to the Senate Committee on Children and Families and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

*Office and Appointment*

Secretary of Children and Family Services  
Appointee: Regier, Jerry

*For Term  
Ending*

Pleasure of  
Governor

As required by Rule 12.7(1), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry, the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointment of the above-named appointee, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointment be taken prior to the adjournment of the 2003 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointment to be held in executive session.

Respectfully Submitted,  
Anna P. Cowin, Chairman

**THE PRESIDENT PRESIDING**

On motion by Senator Cowin, the report was adopted and the Senate confirmed the appointment identified in the foregoing report of the committee to the office and for the term indicated in accordance with the recommendation of the committee. The vote was:

## Yeas—25

Mr. President	Crist	Posey
Alexander	Diaz de la Portilla	Pruitt
Argenziano	Dockery	Saunders
Atwater	Fasano	Sebesta
Bullard	Haridopolos	Villalobos
Carlton	Jones	Webster
Clary	Lawson	Wise
Constantine	Lynn	
Cowin	Peaden	

## Nays—12

Aronberg	Hill	Siplin
Campbell	Klein	Smith
Dawson	Margolis	Wasserman Schultz
Geller	Miller	Wilson

**SPECIAL ORDER CALENDAR, continued**

The Senate resumed consideration of—

**CS for SB 1176**—A bill to be entitled An act relating to tax administration; amending ss. 202.11, 202.125, 202.22, 202.27, 202.28, 202.34, and 202.35, F.S., relating to the local communications services tax; changing sourcing requirements for third number and calling card calls; excluding certain not-for-hire mobile communications services from the definition of the term “substitute communications system”; providing an exemption for homes for the aged; providing limitations on credits for taxes collected; providing legislative intent with respect to provisions clarifying the law; providing penalties for failure to report revenue and taxes due; providing for repeal of certain penalty provisions; authorizing the Department of Revenue to allocate local taxes to and between local governments under certain circumstances; requiring that a taxpayer provide customer records to the Department of Revenue; providing penalties for noncompliance; amending s. 206.02, F.S.; prohibiting a person from engaging in business as a biodiesel manufacturer unless the person is licensed by the department; revising licensing requirements; requiring biodiesel manufacturers to meet the reporting, bonding, and licensing requirements prescribed for wholesalers of motor fuel; amending s. 206.026, F.S.; requiring the department to obtain fingerprints for criminal background checks for certain license holders; amending s. 206.14, F.S.; providing a penalty for failure to provide records as required by the department; amending s. 206.414, F.S., relating to local option fuel taxes; providing for the tax to be collected when fuel is removed through the loading rack; amending s. 206.416, F.S.; deleting certain provisions

authorizing a change in the destination of fuel; requiring that a wholesaler or exporter register as an importer under certain circumstances; providing penalties; amending s. 206.485, F.S., relating to tracking reports for petroleum products; imposing a penalty for failure to provide such reports; amending s. 206.86, F.S.; defining the terms "biodiesel" and "biodiesel manufacturer" for purposes of part II of ch. 206, F.S.; amending s. 206.89, F.S., relating to the regulating of alternative fuels; requiring the licensure of retailers rather than wholesalers; amending s. 212.0606, F.S., relating to the rental car surcharge; requiring dealers to report the surcharge collections by county where collected; amending s. 212.08, F.S.; authorizing certain carriers to prorate the state tax on motor or diesel fuels used in interstate commerce in the initial year of operation; amending s. 212.12, F.S.; deleting a prohibition on certain allowances if the tax is delinquent; revising a limitation on certain penalties; providing an additional penalty for failure to timely disclose a tax or fee; requiring that the department make certain tax amounts and brackets available in an electronic format; deleting a requirement that the amounts and brackets be established pursuant to rule; amending s. 213.21, F.S.; revising the period during which a taxpayer may voluntarily disclose a tax liability; providing for applicability; amending s. 336.021, F.S.; revising certain dates for purposes of certifying distributions of local option fuel taxes; amending s. 336.025, F.S.; expanding the uses of proceeds from local option fuel taxes on motor fuel and diesel fuel; amending ss. 443.036, 443.131, 443.1316, and 443.163, F.S., relating to the unemployment compensation tax; requiring that a limited liability company be treated at the same status as it is classified for federal income tax purposes; providing that an employee may not be considered a successor under certain circumstances; increasing the limit on recovery of overhead or indirect costs from the Agency for Workforce Innovation; revising requirements of electronic reporting and remitting for certain persons who prepare and report; revising penalties for failure to report or remit taxes by electronic means; providing for retroactive application of provisions relating to electronic reporting and remitting of taxes; amending s. 832.062, F.S.; prohibiting certain electronic funds transfers if the taxpayer knows at the time of such transfer that funds are insufficient to cover the transfer; amending s. 206.052, F.S., relating to the export of tax-free fuels; conforming a cross-reference to changes made by the act; repealing s. 199.052(13), F.S., relating to a requirement to permit a voluntary contribution to the Election Campaign Financing Trust Fund when filing an intangible tax return; amending s. 213.053, F.S.; authorizing the Department of Revenue to share information with the Department of Transportation on rental car surcharge revenues; amending s. 624.509, F.S.; authorizing a certain affiliated group of corporations that created a service company to allocate the salary of each employee to the companies for which the employees perform services for the purpose of the salary credit against the insurance premium tax; providing definitions for "affiliated group of corporations," and "service company"; providing that changes shall take effect for tax years beginning January 1, 2003; amending ss. 213.053, 213.21, and 213.285, F.S.; deleting the repeal of the certified audit program; amending s. 212.08, F.S.; expanding the definition of "housing project" to include construction in a designated brownfield area of affordable housing; amending s. 212.055, F.S.; providing additional uses for revenues raised by the charter county transit system surtax; repealing s. 212.055(2)(f), F.S.; relating to the restriction on the use of Local Government Infrastructure Surtax revenue to supplant or replace user fees or reduce ad valorem taxes; providing effective dates.

—which was previously considered and amended this day.

On motion by Senator Posey, by two-thirds vote **CS for SB 1176** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Crist	Lawson
Alexander	Dawson	Lee
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Bennett	Garcia	Posey
Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Clary	Hill	Sebesta
Constantine	Jones	Siplin
Cowin	Klein	Smith

Villalobos  
Wasserman Schultz  
Nays—None

Webster

Wilson

## REMARKS

On motion by Senator Posey, the following remarks were ordered spread upon the Journal:

**Senator Posey:** When this bill was heard in the Committee on Finance and Taxation I authored an amendment that would exempt a not-for-profit utility provider from the telecommunications services tax on their use of an internal two-way radio communications system. Some have questioned whether two-way radios that are not being used for substitute switched telecommunications service is taxable in the first place, and that by putting this exemption language in the statutes a presumption is created, which could be used to tax a communication method that historically has not been taxed. I therefore offer this amendment to remove the exemption language from the bill.

## RECESS

The President declared the Senate in recess at 1:44 p.m. to reconvene at 2:45 p.m.

## AFTERNOON SESSION

The Senate was called to order by the President at 3:06 p.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

## LOCAL BILL CALENDAR

**SB 2914**—A bill to be entitled An act relating to Broward County; extending the corporate limits of the City of Hollywood or the Town of Pembroke Park; providing for annexation of specified unincorporated lands; providing for an election; providing for effective date of annexation; providing for continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **SB 2914** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lee
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Bennett	Garcia	Posey
Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos

Wasserman Schultz

Wilson

Wise

Webster

Nays—None

**SB 2920**—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; codifying, amending, reenacting, and repealing the district's special acts; providing that the district may borrow money at a rate not exceeding that which is provided by law; providing for the members of the board of supervisors to be known as the city commission of the City of North Lauderdale; amending the meeting notice requirements and clarifying that meetings be held at a public place; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; providing for the use of non-ad valorem assessments; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; repealing chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **SB 2920** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**SB 2990**—A bill to be entitled An act relating to the Southern Manatee Fire and Rescue District, in Manatee County; amending chapter 2000-402, Laws of Florida; conforming the district's charter to section 191.009, F.S., relating to impact fees; revising the district's impact fee schedule; incorporating the district's authority granted by referendum to levy ad valorem taxes; limiting annual increases in millage rate; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **SB 2990** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**HB 185**—A bill to be entitled An act relating to the Key Largo Waste-water Treatment District, Monroe County; amending ch. 2002-337, Laws of Florida; removing district from requirements of ch. 120, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 185** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**HB 275**—A bill to be entitled An act relating to Glades County; providing for career service; specifying rights of certain employees of the Glades County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for appeals procedures; providing for career appeals boards; providing for per diem for certain employees; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 275** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**HB 425**—bill to be entitled An act relating to Escambia County; amending chapter 2002-380, Laws of Florida; providing that referendum for approval of creation of the West Florida Regional Library District, an independent special district, and exercise of its powers to levy ad valorem taxes and to issue debt obligations payable from ad valorem taxes shall be permissive rather than mandatory; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 425** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

Bullard	Geller	Pruitt	Clary	Hill	Saunders
Campbell	Haridopolos	Saunders	Constantine	Jones	Sebesta
Carlton	Hill	Sebesta	Cowin	Klein	Siplin
Clary	Jones	Siplin	Crist	Lawson	Smith
Constantine	Klein	Smith	Dawson	Lee	Villalobos
Cowin	Lawson	Villalobos	Diaz de la Portilla	Lynn	Wasserman Schultz
Crist	Lee	Wasserman Schultz	Dockery	Margolis	Webster
Dawson	Lynn	Webster	Fasano	Miller	Wilson
Diaz de la Portilla	Margolis	Wilson	Garcia	Peaden	Wise
Dockery	Miller	Wise	Geller	Posey	
Fasano	Peaden		Haridopolos	Pruitt	
Garcia	Posey		Nays—None		
Nays—None					

**HB 591**—A bill to be entitled An act relating to the Melbourne-Tillman Water Control District, Brevard County; amending ch. 2001-336, Laws of Florida; amending district boundaries; amending the powers and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, to authorize the district to sell, lease, or otherwise dispose of real property; providing the procedure for such sale, lease, or other disposition; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 591** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	
Nays—None		

**HB 897**—A bill to be entitled An act relating to the Homosassa Special Water District in Citrus County; codifying, reenacting, amending, and repealing special acts related to the District; creating a District charter; creating an independent special district; providing a District boundary; providing powers, functions, and duties of the District; providing for amendment of the charter; providing for the District purpose; providing for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; providing District powers, functions, and duties; providing for a District governing board; providing for a chair and secretary-treasurer; providing for general obligation bonds; providing for revenue bonds; providing for refunding bonds; providing for levy of ad valorem taxes; providing for payment of bonds; providing for authority to levy and collect tax on real and personal property for administrative costs, expenditure generally; providing for construction costs; providing for special assessments for construction, reconstruction, repair, or maintenance of improvements; providing for exemption from taxes and assessments; providing for liberal construction; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 897** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bullard
Alexander	Atwater	Campbell
Argenziano	Bennett	Carlton

**HB 1055**—A bill to be entitled An act relating to the Lee County Trauma Services District, an independent district; providing for establishment of the Lee County Trauma Services District for the purpose of financially supporting trauma services in Lee County; providing that such trauma services shall be provided through a designated Level II Trauma Center; providing for a governing board; providing for officers of the governing board; providing for audit of books; providing for quarterly meetings; prescribing the powers and duties of the board; stating a public purpose; providing for a budget; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1055** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	
Nays—None		

**HB 1265**—A bill to be entitled An act relating to Osceola County; creating an independent special district known as Tohopekaliga Water Authority; providing legislative findings and intent; providing definitions; describing the district boundaries; providing for service areas subject to the approval of affected general purpose local governments; providing that the purpose of the district shall be for the planning, acquisition, development, operation, and maintenance of water and wastewater management systems within the district and its service area; limiting the provision of district services and facilities to only those areas authorized by affected general purpose local governments; providing for an appointed governing body of the district composed of five supervisors and setting forth their authority, terms of office, qualifications, compensation, and method of appointment; providing for the filling of vacancies in office; providing district powers, functions, and duties; providing for the acquisition of land; providing for the levy and collection of rates, fees, assessments, and other charges for the provision of capital facilities or use of district services or payment of operating and financing costs; providing for borrowing money and issuing bonds, certificates, obligations, or other evidence of indebtedness; prohibiting the creation of state, county, or municipal debt; providing for the collection of unpaid rates, fees, assessments, and other charges; providing for the adoption of a master plan; providing for enforcement and penalties; providing for merger and dissolution; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Webster, by two-thirds vote **HB 1265** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**HB 1541**—A bill to be entitled An act relating to the Cypress Creek Center Transportation Management District, Broward County; creating the Cypress Creek Center Transportation Management District; providing for the geographic boundaries of the District; providing for the purpose of the District; providing for the powers, functions, and duties of the District; providing for the creation of the governing board of the District to be known as the Cypress Creek Center Transportation Management Association; providing for membership, organization, compensation, and administrative duties of the governing board of the District; providing for the financial disclosure, noticing, and reporting requirements of the District; providing for the procedure for conducting any District elections or referenda; providing for planning requirements; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1541** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**HB 1543**—A bill to be entitled An act relating to Broward County; clarifying and delineating the corporate limits of the Cities of Coral Springs and Margate to include specified lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1543** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bullard
Alexander	Atwater	Campbell
Argenziano	Bennett	Carlton

Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lee	Villalobos
Diaz de la Portilla	Lynn	Wasserman Schultz
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise
Geller	Posey	
Haridopolos	Pruitt	
Nays—None		

**HB 1545**—A bill to be entitled An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1545** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**HB 1549**—A bill to be entitled An act relating to the Cities of Coconut Creek and Parkland, Broward County; clarifying and delineating the common boundaries between the respective municipalities; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1549** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**HB 1567**—A bill to be entitled An act relating to Broward County; amending chapter 2000-461, Laws of Florida, relating to the Children s

Services Council of Broward County; increasing the membership of the council; revising requirements concerning delivery of the written budget to Broward County; revising procedures concerning levying of ad valorem taxes; exempting the council from payment of fees, taxes, or incremental tax revenues to community redevelopment agencies; providing expenditure authority and procedures for budgeted funds up to \$5,000; authorizing expenditures by electronic wire transfers under specified procedures; providing effective dates.

—was read the second time by title. On motion by Senator Geller, by two-thirds vote **HB 1567** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

**HB 1685**—A bill to be entitled An act relating to Liberty Fire District, Walton County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing for duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction, effect, and conflict; providing an effective date.

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

## SPECIAL ORDER CALENDAR, continued

**CS for SB's 1254 and 1662**—A bill to be entitled An act relating to school district and charter school employees and contractors; amending s. 1012.32, F.S.; requiring both instructional and noninstructional personnel of charter schools to file fingerprints with the school board of the district within which the charter school is located; providing that contractors have the same probationary status as employees; providing duties of the Department of Law Enforcement with respect to retention and search of fingerprint records submitted on behalf of school employees and contractors; providing duties of school districts and charter schools; providing for fees; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **CS for SB's 1254 and 1662** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bullard	Geller	Sebesta
Campbell	Haridopolos	Smith
Carlton	Hill	Villalobos
Clary	Jones	Wasserman Schultz
Constantine	Klein	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Bennett

**CS for CS for SB 1520**—A bill to be entitled An act relating to state universities; amending s. 17.076, F.S.; providing an exception to a public-records exemption; requiring a state university to maintain confidentiality of certain records; amending s. 110.161, F.S.; defining employee for purposes of the pretax benefits program to include state university employees; amending s. 112.215, F.S.; defining employee for purposes of the deferred compensation program to include employees of the state university board of trustees; amending s. 287.064, F.S.; authorizing the participation of state universities in consolidated financing of deferred-payment purchases; amending s. 440.38, F.S.; providing that a state university is a self-insurer for purposes of workers' compensation coverage; amending s. 1001.71, F.S.; revising membership and terms of office of the university boards of trustees; amending s. 1001.74, F.S.; providing that Department of Management Services retains authority over state university employees for purposes of the pretax benefits program; amending s. 1004.24, F.S.; providing for a financial audit pursuant to s. 11.45, F.S., for the self-insurance program; amending s. 1009.21, F.S.; revising criteria to establish residency for tuition purposes; revising criteria for reclassification of residency for tuition purposes; establishing the Board of Governors; providing membership and terms of office; providing for members to be reimbursed for travel and per diem expenses; creating s. 1010.10, F.S.; creating the Florida Uniform Management of Institutional Funds Act; providing definitions; providing for expenditure of endowment funds by a governing board; providing for a standard of conduct; providing investment authority; providing for delegation of investment management; providing for investment costs; providing for uniformity of application and construction; creating s. 1004.383, F.S.; authorizing a chiropractic medicine degree program at Florida State University; creating s. 460.4062, F.S.; authorizing the Department of Health to issue a chiropractic medicine faculty certificate for a certain chiropractic faculty; authorizing a fee; providing requirements; providing for renewal and expiration of certificates; requiring the University of South Florida and the University of Central Florida to play college football; repealing s. 1001.71(1), (3), and (4), relating to a state university board of trustees; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1520** to **HB 319**.

Pending further consideration of **CS for CS for SB 1520** as amended, on motion by Senator Constantine, by two-thirds vote **HB 319** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Constantine—

**HB 319**—A bill to be entitled An act relating to state universities; creating s. 1001.70, F.S.; establishing the Board of Governors; providing membership and terms of office; amending s. 1001.71, F.S.; revising membership of university boards of trustees and terms of office; creating s. 1010.10, F.S.; creating the Florida Uniform Management of Institutional Funds Act; providing definitions; providing for expenditure of endowment funds by a governing board; providing for a standard of conduct; providing investment authority; providing for delegation of investment management; providing for investment costs; providing for release of restrictions on use or investment; providing for uniformity of application and construction; providing for retroactive effect; amending s. 1011.94, F.S., relating to the Trust Fund for University Major Gifts; revising provisions relating to use of proceeds; replacing references to State Board of Education with Board of Governors; providing limitations on matching funds; amending s. 17.076, F.S.; providing an exception to a public records exemption; amending s. 20.555, F.S.; deleting reference to the Board of Regents; amending s. 110.161, F.S.; including employees of state universities in the definition of “employee” for purposes of the pretax benefits program; amending s. 112.215, F.S.; including employees of state university boards of trustees in the definition of “employee” for purposes of the deferred compensation program; amending s. 287.064, F.S.; authorizing state universities to continue to participate in the consolidated equipment financing program; amending s. 440.38, F.S.; including state universities as self-insurers for purposes of workers’ compensation; amending s. 1001.74, F.S.; adding a cross reference relating to pretax benefits for state university employees; amending s. 1004.24, F.S.; deleting obsolete reference to postaudit of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1004.26, F.S.; conforming university oversight of student government; amending s. 1004.445, F.S.; deleting obsolete reference to postaudit of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1009.21, F.S.; revising provisions relating to determination of resident status for tuition purposes; providing for reclassification; providing for classification of certain graduate teaching assistants or graduate research assistants; amending s. 1009.24, F.S.; revising provisions relating to undergraduate tuition and fees; authorizing a nonrefundable admissions deposit; creating 1012.975, F.S.; defining the terms “cash-equivalent compensation,” “public funds,” and “remuneration”; limiting the annual remuneration of a state university president to \$225,000 from public funds; providing certain limitations on benefits for state university presidents under the Florida Retirement System; authorizing a party to provide cash or cash-equivalent compensation in excess of annual limit from nonpublic funds; eliminating any state obligation to provide cash or cash-equivalent compensation for state university presidents under certain circumstances; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1520** as amended and read the second time by title.

Senator Constantine moved the following amendment:

**Amendment 1 (234806)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 17.076, Florida Statutes, is amended to read:

17.076 Direct deposit of funds.—

(5) All direct deposit records made prior to October 1, 1986, are exempt from the provisions of s. 119.07(1). With respect to direct deposit records made on or after October 1, 1986, the names of the authorized financial institutions and the account numbers of the beneficiaries are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Notwithstanding this exemption and s. 119.07(3)(dd), the department may provide a state university, upon request, with that university’s employee or vendor direct deposit authorization information on file with the department in order to accommodate the transition to the university accounting system. The state university shall maintain the confidentiality of all such information provided by the department.

Section 2. Subsection (2) of section 110.161, Florida Statutes, is amended to read:

110.161 State employees; pretax benefits program.—

(2) As used in this section, “employee” means any individual filling an authorized and established position in the executive, legislative, or judicial branch of the state, including the employees of the State Board of Administration and the state universities.

Section 3. Subsection (2) of section 112.215, Florida Statutes, is amended to read:

112.215 Government employees; deferred compensation program.—

(2) For the purposes of this section, the term “employee” means any person, whether appointed, elected, or under contract, providing services for the state; any state agency or county or other political subdivision of the state; any municipality; any state university board of trustees; or any constitutional county officer under s. 1(d), Art. VIII of the State Constitution for which compensation or statutory fees are paid.

Section 4. Subsections (1), (2), (3), (4), (5), and (6) of section 287.064, Florida Statutes, are amended to read:

287.064 Consolidated financing of deferred-payment purchases.—

(1) The Division of Bond Finance of the State Board of Administration and the Comptroller shall plan and coordinate deferred-payment purchases made by or on behalf of the state or its agencies or by or on behalf of state universities or state community colleges participating under this section pursuant to s. 1001.74(5) or s. 1001.64(26). The Division of Bond Finance shall negotiate and the Comptroller shall execute agreements and contracts to establish master equipment financing agreements for consolidated financing of deferred-payment, installment sale, or lease purchases with a financial institution or a consortium of financial institutions. As used in this act, the term “deferred-payment” includes installment sale and lease-purchase.

(a) The period during which equipment may be acquired under any one master equipment financing agreement shall be limited to not more than 3 years.

(b) Repayment of the whole or a part of the funds drawn pursuant to the master equipment financing agreement may continue beyond the period established pursuant to paragraph (a).

(c) The interest rate component of any master equipment financing agreement shall be deemed to comply with the interest rate limitation imposed in s. 287.063 so long as the interest rate component of every interagency, state university, or community college agreement entered into under such master equipment financing agreement complies with the interest rate limitation imposed in s. 287.063. Such interest rate limitation does not apply when the payment obligation under the master equipment financing agreement is rated by a nationally recognized rating service in any one of the three highest classifications, which rating services and classifications are determined pursuant to rules adopted by the Comptroller.

(2) Unless specifically exempted by the Comptroller, all deferred-payment purchases, including those made by a state university or community college that is participating under this section, shall be acquired by funding through master equipment financing agreements. The Comptroller is authorized to exempt any purchases from consolidated financing when, in his or her judgment, alternative financing would be cost-effective or otherwise beneficial to the state.

(3) The Comptroller may require agencies to enter into interagency agreements and may require participating state universities or community colleges to enter into systemwide agreements for the purpose of carrying out the provisions of this act.

(a) The term of any interagency or systemwide agreement shall expire on June 30 of each fiscal year but shall automatically be renewed annually subject to appropriations and deferred-payment schedules. The period of any interagency or systemwide agreement shall not exceed the useful life of the equipment for which the agreement was made as determined by the Comptroller.



(b) The interagency or systemwide agreements may include, but are not limited to, equipment costs, terms, and a pro rata share of program and issuance expenses.

(4) Each *state university* or community college may choose to have its purchasing agreements involving administrative and instructional materials consolidated under this section.

(5) The Comptroller is authorized to automatically debit each agency's funds or *each state university's funds* and each community college's portion of the Community College Program Fund consistently with the deferred-payment schedules.

(6) There is created the Consolidated Payment Trust Fund in the Comptroller's office for the purpose of implementing the provisions of this act. All funds debited from each agency, *state university*, and ~~each~~ community college may be deposited in the trust fund and shall be used to meet the financial obligations incurred pursuant to this act. Any income from the investment of funds may be used to fund administrative costs associated with this program.

Section 5. Subsection (6) of section 440.38, Florida Statutes, is amended to read:

440.38 Security for compensation; insurance carriers and self-insurers.—

(6) The state and its boards, bureaus, departments, and agencies and all of its political subdivisions which employ labor, and *the state universities*, shall be deemed self-insurers under the terms of this chapter, unless they elect to procure and maintain insurance to secure the benefits of this chapter to their employees; and they are hereby authorized to pay the premiums for such insurance.

Section 6. Section 1001.71, Florida Statutes, is amended to read:

1001.71 University boards of trustees; membership.—

(1) *Pursuant to s. 7(c), Art. IX of the State Constitution, each local constituent state university shall be administered by a university board of trustees comprised of 13 members as follows: six citizen members appointed by the Governor subject to confirmation by the Senate, five citizen members appointed by the Board of Governors subject to confirmation by the Senate, the chair of the faculty senate or the equivalent, and the president of the student body of the university. In order to achieve staggered terms, beginning July 1, 2003, of the initial appointments by the Governor, one member shall be appointed to serve a 3-year term, three members shall be appointed to serve 4-year terms, and two members shall be appointed to serve 5-year terms. Beginning July 1, 2003, of the initial appointments of the Board of Governors, one member shall be appointed to serve a 3-year term, two members shall be appointed to serve 4-year terms, and 2 members shall be appointed to serve 5-year terms. University boards of trustees shall be comprised of 12 members appointed by the Governor and confirmed by the Senate in the regular legislative session immediately following his or her appointment. In addition, the student body president elected on the main campus of the university pursuant to s. 1004.26 shall serve ex officio as a voting member of his or her university board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation.*

(2) Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

~~(3) The Governor may remove a trustee upon the recommendation of the State Board of Education, or for cause.~~

~~(4) Boards of trustees' members shall be appointed for staggered 4-year terms, and may be reappointed for additional terms not to exceed 8 years of service.~~

(3)(6) Each board of trustees shall select its chair and vice chair from the appointed members at its first regular meeting after July 1. The chair shall serve for 2 years and may be reselected for one additional consecutive term. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, and attesting to actions of the board of trustees; ~~and notifying the Governor in writing whenever a board member fails to attend~~

~~three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal.~~ The duty of the vice chair is to act as chair during the absence or disability of the chair.

(4)(6) The university president shall serve as executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair.

Section 7. Subsection (19) of section 1001.74, Florida Statutes, is amended to read:

1001.74 Powers and duties of university boards of trustees.—

(19) Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the State Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.161, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238.

Section 8. Subsection (5) of section 1004.24, Florida Statutes, is amended to read:

1004.24 State Board of Education authorized to secure liability insurance.—

(5) Each self-insurance program council shall make provision for an annual financial audit pursuant to s. 11.45 ~~postaudit~~ of its financial accounts to be conducted by an independent certified public accountant. The annual audit report must include a management letter and shall be submitted to the State Board of Education for review. The State Board of Education shall have the authority to require and receive from the self-insurance program council or from its independent auditor any detail or supplemental data relative to the operation of the self-insurance program.

Section 9. Subsections (1) and (5) of section 1004.26, Florida Statutes, are amended to read:

1004.26 University student governments.—

(1) A student government is created on the main campus of each state university. In addition, each university board of trustees may establish a student government on any branch campus or center. *Each student government is a part of the university at which it is established.*

~~(5) Each student government is a part of the university at which it is established. If an internal procedure of the university student government is disapproved by the university president under s. 229.0082(15), a member of the university board of trustees may request a review of the disapproved procedure at the next meeting of the board of trustees.~~

Section 10. Paragraph (f) is added to subsection (1), paragraphs (a) and (b) of subsection (2) are amended, and paragraph (d) is added to subsection (2) of section 1009.21, Florida Statutes, to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(1) As used in this section:

(f) The term "initial enrollment" means the first day of class.

(2)(a) To qualify as a resident for tuition purposes:

1. A person or, if that person is a dependent child, his or her parent or parents must have established legal residence in this state and must

have maintained legal residence in this state for at least 12 months immediately prior to his or her *initial enrollment at an institution of higher education qualification*.

2. Every applicant for admission to an institution of higher education shall be required to make a statement as to his or her length of residence in the state and, further, shall establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in the state currently is, and during the requisite 12-month qualifying period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

(b) However, with respect to a dependent child living with an adult relative other than the child's parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 months immediately prior to the child's *initial enrollment at an institution of higher learning qualification*, provided the child has resided continuously with such relative for the 5 years immediately prior to the child's *initial enrollment at an institution of higher learning qualification*, during which time the adult relative has exercised day-to-day care, supervision, and control of the child.

(d) *An individual who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes if that individual or, if that individual is a dependent child, his or her parents, presents documentation that supports permanent residency in this state, such as documentation of permanent full-time employment for the previous 12 months or the purchase of a home in this state and residence in the state for the prior 12 months.*

#### Section 11. Board of Governors.—

(1) *Pursuant to Section 7(d), Article IX of the State Constitution, the Board of Governors is established as a body corporate comprised of 17 members as follows: 14 citizen members appointed by the Governor and subject to confirmation by the Senate, the Commissioner of Education, the chair of the advisory council of faculty senates or the equivalent, and the president of the Florida Student Association or the equivalent. The appointed members shall be appointed to serve staggered 7-year terms. In order to achieve staggered terms, beginning July 1, 2003, of the initial appointments, four members shall be appointed to serve 6-year terms, five members shall be appointed to serve 5-year terms, and five members shall be appointed to serve 4-year terms.*

(2) *Members of the Board of Governors shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in section 112.061, Florida Statutes.*

(3) *The Board of Governors is subject to Section 24, Article I of the State Constitution, chapter 119, Florida Statutes, and section 286.011, Florida Statutes.*

Section 12. Subsection (12) of section 1009.24, Florida Statutes, is amended to read:

#### 1009.24 State university student fees.—

(12) Each university board of trustees is authorized to establish the following fees:

(a) A nonrefundable application fee in an amount not to exceed \$30.

(b) *A nonrefundable admissions deposit for undergraduate and graduate degree programs in an amount not to exceed \$200. The admissions deposit shall be imposed at the time of a student's acceptance to the university and shall be applied to the student's tuition upon enrollment. In the event that a student does not enroll in the university, the admissions deposit shall be deposited in an auxiliary account of the university and used to expand financial aid, scholarships, financial assistance, and student academic and career counseling services at the university.*

(c)(b) An orientation fee in an amount not to exceed \$35.

(d)(e) A fee for security, access, or identification cards. The annual fee for such a card may not exceed \$10 per card. The maximum amount charged for a replacement card may not exceed \$15.

(e)(d) Registration fees for audit and zero-hours registration; a service charge, which may not exceed \$15, for the payment of tuition in installments; and a late-registration fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to initiate registration during the regular registration period.

(f)(e) A late-payment fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

(g)(f) A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under subsection (10).

(h)(g) Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

(i)(h) Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

(j)(i) A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

(k)(j) A service charge on university loans in lieu of interest and administrative handling charges.

(l)(k) A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

(m)(l) Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

(n)(m) Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

(o)(n) Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

(p)(o) A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

(q)(p) Traffic and parking fines, charges for parking decals, and transportation access fees.

(r)(q) An Educational Research Center for Child Development fee for child care and services offered by the center.

(s)(r) Fees for transcripts and diploma replacement, not to exceed \$10 per item.

Section 13. Effective upon this act becoming a law and applicable retroactive to January 7, 2003, section 1010.10, Florida Statutes, is created to read:

#### 1010.10 Florida Uniform Management of Institutional Funds Act.—

(1) *SHORT TITLE.—This section may be cited as the "Florida Uniform Management of Institutional Funds Act."*

(2) *DEFINITIONS.—As used in this section, the term:*

(a) *"Endowment fund" means an institutional fund, or any part thereof, not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument.*

(b) *"Governing board" means the body responsible for the management of an institution or of an institutional fund.*

(c) *"Institution" means an incorporated or unincorporated organization organized and operated exclusively for the advancement of educational purposes, or a governmental entity to the extent that it holds funds exclusively for educational purposes.*

(d) "Institutional fund" means a fund held by an institution for its exclusive use, benefit, or purposes. The term excludes a fund held for an institution by a trustee that is not an institution. The term also excludes a fund in which a beneficiary that is not an institution has an interest, other than possible rights that could arise upon violation or failure of the purposes of the fund.

(e) "Instrument" means a will; deed; grant; conveyance; agreement; memorandum; electronic record; writing; or other governing document, including the terms of any institutional solicitations from which an institutional fund resulted, under which property is transferred to or held by an institution as an institutional fund.

### (3) EXPENDITURE OF ENDOWMENT FUNDS.—

(a) A governing board may expend so much of an endowment fund as the governing board determines to be prudent for the uses and purposes for which the endowment fund is established, consistent with the goal of conserving the purchasing power of the endowment fund. In making its determination the governing board shall use reasonable care, skill, and caution in considering the following:

1. The purposes of the institution;
2. The intent of the donors of the endowment fund;
3. The terms of the applicable instrument;
4. The long-term and short-term needs of the institution in carrying out its purposes;
5. The general economic conditions;
6. The possible effect of inflation or deflation;
7. The other resources of the institution; and
8. Perpetuation of the endowment.

Expenditures made under this paragraph will be considered prudent if the amount expended is consistent with the goal of preserving the purchasing power of the endowment fund.

(b) A restriction upon the expenditure of an endowment fund may not be implied from a designation of a gift as an endowment or from a direction or authorization in the instrument to use only "income," "interest," "dividends," or "rents, issues or profits," or "to preserve the principal intact," or words of similar import.

(c) The provisions of paragraph (a) shall not apply to instruments if the instrument so indicates by stating, "I direct that the expenditure provision of paragraph (a) of subsection (3) of the Florida Uniform Management of Institutional Funds Act not apply to this gift" or words of similar import.

(d) This subsection does not limit the authority of a governing board to expend funds as permitted under other law, the terms of the instrument, or the charter of the institution.

(e) Except as otherwise provided, this subsection applies to instruments executed or in effect before or after the effective date of this section.

### (4) STANDARD OF CONDUCT.—

(a) Members of a governing board shall invest and manage an institutional fund as a prudent investor would, by considering the purposes, distribution requirements, and other circumstances of the fund. In satisfying this standard, the governing board shall exercise reasonable care, skill, and caution.

(b) A governing board's investment and management decisions about individual assets shall be made not in isolation but in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy that provides risk and return objectives reasonably suited to the fund and to the institution.

(c) Among circumstances that a governing board shall consider are:

1. Long-term and short-term needs of the institution in carrying out its purposes;

2. Its present and anticipated financial resources;
3. General economic conditions;
4. The possible effect of inflation or deflation;
5. The expected tax consequences, if any, of investment decisions or strategies;
6. The role that each investment or course of action plays within the overall investment portfolio of the institutional fund;
7. The expected total return from income and the appreciation of its investments;
8. Other resources of the institution;
9. The needs of the institution and the institutional fund for liquidity, regularity of income, and preservation or appreciation of capital; and
10. An asset's special relationship or special value, if any, to the purposes of the applicable gift instrument or to the institution.

(d) A governing board shall make a reasonable effort to verify the facts relevant to the investment and management of institutional fund assets.

(e) A governing board shall diversify the investments of an institutional fund unless the board reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversifying.

(f) A governing board shall invest and manage the assets of an institutional fund solely in the interest of the institution.

(5) INVESTMENT AUTHORITY.—In addition to an investment otherwise authorized by law or by the applicable gift instrument, and without restriction to investments a fiduciary may make, the governing board, subject to any specific limitations in the applicable gift instrument or in the applicable law, other than law relating to investments by a fiduciary:

(a) Within a reasonable time after receiving property, shall review the property and make and implement decisions concerning the retention and disposition of the assets, in order to bring the portfolio of the institutional fund into compliance with the purposes, terms, distribution requirements, and other circumstances of the institution, and with the requirements of this section;

(b) May invest in any kind of property or type of investment consistent with the standards of this section;

(c) May include all or any part of an institutional fund in any pooled or common fund maintained by the institution; and

(d) May invest all or any part of the institutional fund in any other pooled or common fund available for investment, including shares or interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts, or similar organizations in which funds are commingled and investment determinations are made by persons other than the governing board.

### (6) DELEGATION OF INVESTMENT MANAGEMENT.—

(a) Except as otherwise provided by applicable law relating to governmental institutions or funds, a governing board may delegate investment and management functions that a prudent governing body could properly delegate under the circumstances. A governing board shall exercise reasonable care, skill, and caution in:

1. Selecting an agent;
2. Establishing the scope and terms of the delegation, consistent with the purposes of the institutional fund; and
3. Periodically reviewing the agent's actions to monitor the agent's performance and the agent's compliance with the terms of the delegation.

(b) In performing a delegated function, an agent owes a duty to the governing board to exercise reasonable care to comply with the terms of the delegation.

(c) *The members of a governing board who comply with the requirements of paragraph (a) are not liable for the decisions or actions of the agent to whom the function was delegated.*

(d) *By accepting the delegation of an investment or management function from a governing board of an institution that is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state in all actions arising from the delegation.*

(7) **INVESTMENT COSTS.**—*In investing and managing trust assets, a governing board may only incur costs that are appropriate and reasonable in relation to the assets and the purposes of the institution.*

(8) **RELEASE OF RESTRICTIONS ON USE OR INVESTMENT.**—

(a) *With the written consent of the donor, a governing board may release, in whole or in part, a restriction imposed by the applicable instrument on the use or investment of an institutional fund.*

(b) *If written consent of the donor cannot be obtained by reason of the donor's death, disability, unavailability, or impossibility of identification, a governing board may release, in whole or in part, a restriction imposed by the applicable instrument on the use or investment of an institutional fund if the fund has a total value of less than \$100,000 and if the governing board, in its fiduciary judgment, concludes that the value of the fund is insufficient to justify the cost of administration as a separate institutional fund.*

(c) *If written consent of the donor cannot be obtained by reason of the donor's death, disability, unavailability, or impossibility of identification, a governing board may apply in the name of the institution to the circuit court of the county in which the institution is located for release of a restriction imposed by the applicable instrument on the use or investment of an institutional fund. The Attorney General shall be notified of the application and shall be given an opportunity to be heard. If the court finds that the restriction is unlawful, impracticable, impossible to achieve, or wasteful, it may by order release the restriction in whole or in part. A release under this subsection may not change an endowment fund to a fund that is not an endowment fund.*

(d) *A release under this subsection may not allow a fund to be used for purposes other than the educational purposes of the institution affected.*

(e) *This subsection does not limit the application of the doctrine of cy pres.*

(9) **UNIFORMITY OF APPLICATION AND CONSTRUCTION.**—*This act shall be applied and construed so as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.*

Section 14. Section 1011.94, Florida Statutes, is amended to read:

1011.94 Trust Fund for University Major Gifts.—

(1) There is established a Trust Fund for University Major Gifts. The purpose of the trust fund is to enable each university and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support university priorities as established by the university board of trustees, libraries and instruction and research programs, as defined by the State Board of Education. All funds appropriated for the challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program must be deposited into the trust fund and invested pursuant to s. 18.125 until the Board of Governors State Board of Education allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for University Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state

universities and community colleges to support research and development projects requested by the certified business. The Board of Governors State Board of Education may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 1011.45.

(2) The Board of Governors State Board of Education shall specify the process for submission, documentation, and approval of requests for matching funds, accountability for endowments and proceeds of endowments, allocations to universities, restrictions on the use of the proceeds from endowments, and criteria used in determining the value of donations.

(3)(a) The Board of Governors State Board of Education shall allocate the amount appropriated to the trust fund to each university and New College based on the amount of the donation and the restrictions applied to the donation.

(b) Donations for a specific purpose must be matched in the following manner:

1. Each university that raises at least \$100,000 but no more than \$599,999 from a private source must receive a matching grant equal to 50 percent of the private contribution.

2. Each university that raises a contribution of at least \$600,000 but no more than \$1 million from a private source must receive a matching grant equal to 70 percent of the private contribution.

3. Each university that raises a contribution in excess of \$1 million but no more than \$1.5 million from a private source must receive a matching grant equal to 75 percent of the private contribution.

4. Each university that raises a contribution in excess of \$1.5 million but no more than \$2 million from a private source must receive a matching grant equal to 80 percent of the private contribution.

5. Each university that raises a contribution in excess of \$2 million from a private source must receive a matching grant equal to 100 percent of the private contribution.

6. The amount of matching funds used to match a single gift in any given year shall be limited to \$3 million. The total amount of matching funds available for any single gift shall be limited to \$15 million, to be distributed in equal amounts of \$3 million per year over a period of 5 years.

(c) The Board of Governors State Board of Education shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge grant and the amount of the private donations actually received by the university for the respective challenge grant.

(4) Matching funds may be provided for contributions encumbered or pledged under the Eminent Scholars Act prior to July 1, 1994, and for donations or pledges of any amount equal to or in excess of the prescribed minimums which are pledged for the purpose of this section.

(5)(a) Each university foundation and New College Foundation shall establish a challenge grant account for each challenge grant as a depository for private contributions and state matching funds to be administered on behalf of the Board of Governors State Board of Education, the university, or New College. State matching funds must be transferred to a university foundation or New College Foundation upon notification that the university or New College has received and deposited the amount specified in this section in a foundation challenge grant account.

(b) The foundation serving a university and New College Foundation each has the responsibility for the maintenance and investment of its challenge grant account and for the administration of the program on behalf of the university or New College, pursuant to procedures specified by the Board of Governors State Board of Education. Each foundation shall include in its annual report to the Board of Governors State Board of Education information concerning collection and investment of matching gifts and donations and investment of the account.

(c) A donation of at least \$600,000 and associated state matching funds may be used to designate an Eminent Scholar Endowed Chair pursuant to procedures specified by the Board of Governors State Board of Education.

(6) The donations, state matching funds, or proceeds from endowments established under this section may not be expended for the construction, renovation, or maintenance of facilities or for the support of intercollegiate athletics.

Section 15. Section 1004.383, Florida Statutes, is created to read:

*1004.383 Chiropractic medicine degree program at the Florida State University.—A chiropractic medicine degree program is authorized at Florida State University.*

Section 16. Section 460.4062, Florida Statutes, is created to read:

*460.4062 Chiropractic medicine faculty certificate.—*

*(1) The Department of Health may issue a chiropractic medicine faculty certificate without examination to an individual who remits a nonrefundable application fee, not to exceed \$100 as determined by rule of the Board of Chiropractic Medicine, and who demonstrates to the Board of Chiropractic Medicine that he or she meets the following requirements:*

*(a) Is a graduate of an accredited school or college of chiropractic accredited by the Council on Chiropractic Education.*

*(b) Holds a valid current license to practice chiropractic in another jurisdiction in the United States.*

*(c) Is at least 21 years of age and of good moral character.*

*(d) Has not committed any act or offense in any jurisdiction which would constitute the basis for discipline under chapter 456 or chapter 460.*

*(e) Has been offered and has accepted a full-time faculty appointment to teach in a program of chiropractic medicine at a state university.*

*(f) Provides a certification from the dean of the college that he or she has accepted the offer of a full-time faculty appointment to teach at Florida State University.*

*(2) The certificate shall authorize the holder to practice only in conjunction with his or her faculty position at Florida State University and its affiliated clinics that are registered with the Board of Chiropractic Medicine as sites at which holders of chiropractic medicine faculty certificates will be practicing. Such certificates shall automatically expire upon termination of the holder's relationship with the school or after a period of 2 years, whichever occurs first.*

*(3) The holder of a faculty certificate may engage in the practice of chiropractic medicine as permitted by this section.*

*(4) Notwithstanding subsection (2), a chiropractic medicine faculty certificate is renewable every 2 years by a holder who applies to the Board of Chiropractic Medicine on a form prescribed by the Board of Chiropractic Medicine and who continues to satisfy the requirements set forth in subsection (1).*

Section 17. Beginning in 2005 and annually thereafter, the University of South Florida shall play the University of Central Florida in college football. The game shall take place at the home venue or stadium of either the University of South Florida or the University of Central Florida in 2005 with the home site of the game alternating between the schools annually thereafter.

Section 18. Section 1001.71(1), (3), and (4), Florida Statutes, as created by section 83, chapter 2002-387, Laws of Florida, and as amended by section 2, chapter 2002-188, Laws of Florida, is repealed.

Section 19. Remuneration of state university presidents; limitations.—

*(1) DEFINITIONS.—As used in this section, the term:*

*(a) "Public funds" means funds appropriated from the General Revenue Fund, funds appropriated from state trust funds, tuition and fees, or any funds from a state university trust fund regardless of repository.*

*(b) "Remuneration" means salary, bonuses, and cash-equivalent compensation paid to a state university president by his or her employer for*

*work performed, excluding health insurance benefits and retirement benefits.*

*(c) "Cash-equivalent compensation" means any benefit that may be assigned an equivalent cash value.*

*(2) LIMITATIONS ON COMPENSATION.—Notwithstanding any other law, resolution, or rule to the contrary, a state university president may not receive more than \$225,000 in remuneration annually from public funds. Only compensation, as such term is defined in section 121.02(22), Florida Statutes, provided to a state university president may be used in calculating benefits under chapter 121, Florida Statutes.*

*(3) EXCEPTIONS.—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not public funds to a state university president in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a state university president as permitted under this subsection, public funds may not be used to fulfill such obligation.*

*(4) APPLICATION.—This section applies only to contracts or contract extensions that are executed or have an effective date on or after the effective date of this section.*

Section 20. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to state universities; amending s. 17.076, F.S.; providing an exception to a public-records exemption; requiring a state university to maintain confidentiality of certain records; amending s. 110.161, F.S.; defining employee for purposes of the pretax benefits program to include state university employees; amending s. 112.215, F.S.; defining employee for purposes of the deferred compensation program to include employees of the state university board of trustees; amending s. 287.064, F.S.; authorizing the participation of state universities in consolidated financing of deferred-payment purchases; amending s. 440.38, F.S.; providing that a state university is a self-insurer for purposes of workers' compensation coverage; amending s. 1001.71, F.S.; revising membership and terms of office of the university boards of trustees; amending s. 1001.74, F.S.; providing that Department of Management Services retains authority over state university employees for purposes of the pretax benefits program; amending s. 1004.24, F.S.; providing for a financial audit pursuant to s. 11.45, F.S., for the self-insurance program; amending s. 1004.26, F.S.; conforming university oversight of student government; amending s. 1009.21, F.S.; revising criteria to establish residency for tuition purposes; revising criteria for reclassification of residency for tuition purposes; establishing the Board of Governors; providing membership and terms of office; providing for members to be reimbursed for travel and per diem expenses; amending s. 1009.24, F.S.; authorizing a nonrefundable admissions deposit; creating s. 1010.10, F.S.; creating the Florida Uniform Management of Institutional Funds Act; providing definitions; providing for expenditure of endowment funds by a governing board; providing for a standard of conduct; providing investment authority; providing for delegation of investment management; providing for investment costs; providing for uniformity of application and construction; amending s. 1011.94, F.S.; relating to the Trust Fund for University Major Gifts; revising provisions relating to use of proceeds; replacing references to State Board of Education with Board of Governors; providing limitations on matching funds; creating s. 1004.383, F.S.; authorizing a chiropractic medicine degree program at Florida State University; creating s. 460.4062, F.S.; authorizing the Department of Health to issue a chiropractic medicine faculty certificate for a certain chiropractic faculty; authorizing a fee; providing requirements; providing for renewal and expiration of certificates; requiring the University of South Florida and the University of Central Florida to play college football; repealing s. 1001.71(1), (3), and (4), relating to a state university board of trustees; defining the terms "public funds," "remuneration," and "cash equivalent compensation"; limiting the annual remuneration of a state university president to \$225,000 from public funds; providing certain limitations on benefits for state university presidents under the Florida Retirement System; authorizing a party to provide cash or cash-equivalent compensation in excess of annual limit from nonpublic funds; eliminating any state obligation to provide cash or cash-equivalent compensation for state university presidents under certain circumstances; providing for prospective application; providing an effective date

Senator Constantine moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (542776)(with title amendment)**—On page 25, lines 16-22, delete section 17

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 29, lines 3-5, delete those lines and insert: repealing s. 1001.71(1), (3),

**Amendment 1** as amended was adopted.

On motion by Senator Constantine, further consideration of **HB 319** as amended was deferred.

**SB 1260**—A bill to be entitled An act relating to requirements for high school graduation; amending s. 1003.43, F.S.; requiring that instruction in parenting skills be included within the one-half credit in life management skills required for graduation from high school; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Wilson and adopted:

**Amendment 1 (670702)(with title amendment)**—On page 1, line 28, after the period (.) through line 30, delete “Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.” and insert: ~~Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.~~

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: eliminating requirement that life management skills course be taken in the 9th or 10th grade;

Senator Constantine moved the following amendments which were adopted:

**Amendment 2 (984154)**—On page 1, lines 11 and 12, delete those lines and insert:

Section 1. Paragraphs (i) and (j) of subsection (1) of section 1003.43, Florida Statutes, are amended to read:

**Amendment 3 (263374)(with title amendment)**—On page 1, line 31, insert:

(j) One credit in physical education to include assessment, improvement, and maintenance of personal fitness. Participation in an interscholastic sport at the junior varsity or varsity level, for two full seasons, shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of “C” or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of “C” or better in a marching band class, or in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a Reserve Officer Training Corps (R.O.T.C.) class a significant component of which is drills shall satisfy a one-half credit requirement in physical education. This one-half credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual educational plan (IEP) or 504 plan.

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing that participation in R.O.T.C. class satisfies a portion of the physical education requirement;

On motion by Senator Wilson, by two-thirds vote **SB 1260** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander  
Argenziano  
Aronberg  
Atwater  
Bennett  
Bullard  
Campbell  
Carlton  
Clary  
Constantine  
Cowin  
Crist  
Dawson

Diaz de la Portilla  
Dockery  
Fasano  
Garcia  
Geller  
Haridopolos  
Hill  
Jones  
Klein  
Lawson  
Lee  
Lynn  
Margolis

Miller  
Peadar  
Posey  
Pruitt  
Saunders  
Sebesta  
Siplin  
Smith  
Villalobos  
Wasserman Schultz  
Webster  
Wilson  
Wise

Nays—None

**CS for CS for SB 1362**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements to include building plans, blueprints, schematic drawings, and diagrams held by a public agency and relating to specified facilities, developments, and structures; providing exceptions; providing for legislative review and repeal; providing definitions; providing a statement of public necessity; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for CS for SB 1362** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—37

Alexander  
Argenziano  
Aronberg  
Atwater  
Bennett  
Bullard  
Campbell  
Carlton  
Clary  
Constantine  
Cowin  
Crist  
Dawson

Diaz de la Portilla  
Dockery  
Fasano  
Garcia  
Geller  
Haridopolos  
Hill  
Jones  
Klein  
Lawson  
Lee  
Margolis  
Miller

Peadar  
Posey  
Pruitt  
Saunders  
Sebesta  
Siplin  
Smith  
Villalobos  
Wasserman Schultz  
Webster  
Wise

Nays—1

Wilson

**CS for SB 1224**—A bill to be entitled An act relating to leaving children unattended or unsupervised in a motor vehicle; amending s. 316.6135, F.S.; revising the elements of the noncriminal infraction to prohibit leaving a child younger than a specified age unattended or unsupervised in a motor vehicle for any period of time; increasing a penalty and providing additional penalties; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **CS for SB 1224** was read the third time by title. Further consideration of **CS for SB 1224** was deferred.

Consideration of **CS for SB 2132** was deferred.

On motion by Senator Sebesta, by two-thirds vote **HB 847** was withdrawn from the Committees on Ethics and Elections; Governmental Oversight and Productivity; Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

On motion by Senator Sebesta by two-thirds vote—

**HB 847**—A bill to be entitled An act relating to violations of citizens' right to honest government; providing a popular name; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending s. 838.015, F.S.; revising the definition of "bribery" and increasing the penalty therefor; amending s. 838.016, F.S.; increasing the penalty for unlawful compensation for official behavior; creating ss. 838.022, 838.21, and 838.22, F.S.; providing criminal penalties for official misconduct, disclosure or use of confidential criminal justice information, and bid tampering; providing definitions; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 839.25, F.S., relating to official misconduct; amending ss. 112.534 and 117.01, F.S.; conforming cross references to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 2030** and by two-thirds vote read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 847** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Cowin	Lee	Wise
Crist	Lynn	
Dawson	Margolis	

Nays—None

On motion by Senator Wise, by two-thirds vote **HB 1869** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations; and Rules and Calendar.

On motion by Senator Wise by two-thirds vote—

**HB 1869**—A bill to be entitled An act relating to government; providing a legislative finding; requiring the Department of Management Services to issue an invitation to negotiate for the purpose of establishing a state term contract to conduct a review of certain agency contracts; amending s. 110.107, F.S.; providing definitions; amending s. 110.116, F.S.; authorizing the Department of Management Services to contract with a vendor to provide the personnel information system; amending s. 110.1245, F.S.; revising language regarding employee recognition; deleting a 5-year employment requirement for certain recognition; amending s. 110.152, F.S.; revising payment schedules for adoption benefits for state employees; amending s. 110.191, F.S.; correcting a cross reference; amending s. 110.2035, F.S.; deleting requirement that the Department of Management Services consult with the Executive Office of the Governor and the Legislature with regard to a compensation and classification program; providing requirements for the program; providing duties and responsibilities to the department with respect to employment actions by other agencies; providing rule adoption authority; providing that employing agencies shall have the responsibility for the day-to-day application of such rules; providing additional authority and responsibilities for employing agencies; requiring the Department of Management Services to establish and maintain an equitable pay plan for use by state agencies; providing authority and responsibilities of the department and employing agencies with respect to such plan; amending s. 110.205, F.S.; conforming language; amending s. 110.213, F.S.; providing that agencies shall ensure that candidates for employment are properly licensed, certified, or registered, when required by law; amending s. 110.227, F.S.; providing for a 1-year probationary period for Career Service employees; revising procedures with respect to the employee grievance process; correcting a cross reference; amending ss. 110.406, 110.603, and 110.606, F.S.; conforming language; amending s. 215.92, F.S.; redefining the term "functional owner"; amending s. 215.93, F.S.; authorizing the Department of Management Services to contract with

private entities to design, develop, and implement the department's information systems and subsystems; amending s. 215.94, F.S.; providing that the Department of Management Services is the functional owner of the personnel information system; amending s. 216.011, F.S.; correcting a cross reference; repealing s. 110.203, F.S., relating to definitions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1528** and by two-thirds vote read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 1869** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

**CS for SB 2118**—A bill to be entitled An act relating to public nuisances; amending s. 893.138, F.S.; clarifying the uses of property that constitute a public nuisance; providing for closure of property if occupancy of the property materially contributes to the nuisance; providing exceptions; providing that closure of property constituting an unabated nuisance is not a taking; providing an effective date.

—was read the second time by title.

Senators Bennett, Dockery and Argenziano offered the following amendment which was moved by Senator Dockery:

**Amendment 1 (165782)**—On page 5, between lines 20 and 21, insert: *(12) A board that has closed a place or premises under paragraph(4)(b) may, in its discretion, allow the place or premises to reopen upon a showing that the nuisance has been abated and that the proposed occupants are unlikely to maintain a public nuisance therein.*

Senator Bennett moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (134918)(with title amendment)**—

The title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: providing that a property may be reopened under certain circumstances;

**Amendment 1** as amended was adopted.

On motion by Senator Dockery, by two-thirds vote **CS for SB 2118** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Alexander	Diaz de la Portilla	Lee
Argenziano	Dockery	Lynn
Aronberg	Fasano	Margolis
Atwater	Garcia	Miller
Bennett	Geller	Peadar
Bullard	Haridopolos	Posey
Campbell	Hill	Pruitt
Carlton	Jones	Saunders
Crist	Klein	Sebesta
Dawson	Lawson	Siplin

Smith  
Villalobos

Wasserman Schultz  
Webster

Wilson  
Wise

Nays—None

**CS for CS for SB 1350**—A bill to be entitled An act relating to civil penalties; amending s. 318.21, F.S.; requiring the use of civil penalties to fund local law enforcement automation under certain circumstances; providing applicability; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment:

**Amendment 1 (362760)(with title amendment)**—On page 2, line 2, after the period (.) insert: *This subsection does not apply to any interlocal agreement between a municipality and a county concerning these funds which is in effect on March 4, 2003. This subsection does not apply to a charter county with a population of 1.6 million or greater, if the county charter requires the county to fund the establishment of a countywide communications infrastructure for fire and medical services.*

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: providing certain exceptions;

On motion by Senator Bennett, further consideration of **CS for CS for SB 1350** with pending **Amendment 1 (362760)** was deferred.

**SB 2546**—A bill to be entitled An act relating to public school student assessment; amending s. 1008.22, F.S.; authorizing certain students to take the grade 10 FCAT in their native language under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Diaz de la Portilla:

**Amendment 1 (042782)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended, subsection (9) is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

1008.22 Student assessment program for public schools.—

(3) **STATEWIDE ASSESSMENT PROGRAM.**—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program, to be administered annually in grades 3 through 10 to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, post-secondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The testing program will include a combination of norm-referenced and criterion-referenced tests and include, to the extent determined by the commissioner, questions that require the student to

produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. *Except as provided in s. 1003.43(11),* students must earn a passing score on the grade 10 assessment test described in this paragraph, *or the assessment as described in subsection (9),* in reading, writing, and mathematics to qualify for a regular high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. All students who took the grade 10 FCAT during the 2000-2001 school year shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2001 test administration. Such students who did not earn the established passing scores and must repeat the grade 10 FCAT are required to earn the passing scores established for the March 2001 test administration. All students who take the grade 10 FCAT for the first time in March 2002 and thereafter shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2002 test administration. The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall only apply to students taking the grade 10 FCAT after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications. A parent must provide signed consent for a student to receive instructional modifications that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable.

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with accommodations or modifications that are not allowable in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

9. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the skills and competencies established in the Florida Sunshine State Standards.

The commissioner may design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state.



(9) *The State Board of Education shall adopt rules to authorize a student whose native language is Spanish or Creole to take the FCAT in the student's native language. A student may take the FCAT in his or her native language if the student's native language is Spanish or Creole, pursuant to rules of the State Board of Education.*

Section 2. Subsections (11) and (12) of section 1003.43 are redesignated as subsections (12) and (13), respectively, and a new subsection (11) is added to that section to read:

1003.43 General requirements for high school graduation.—

(11) *A student who meets the following criteria shall have the FCAT requirement in s. 1003.43(5)(a) waived for the purpose of receiving a standard high school diploma, if the student:*

- (a) *Has been enrolled in an ESOL program for less than two years;*
- (b) *Has a cumulative grade point average of at least 2.5 on a 4.0 scale;*
- (c) *Has failed the FCAT each time;*
- (d) *Has exhausted all opportunities to retake the FCAT; and*
- (e) *His or her native language is not English, Spanish, or Creole.*

Section 3. *The State Board of Education shall conduct a concordance study to determine if crosswalk scores can be determined to be equivalent to those required on the FCAT for high school graduation. At a minimum, the State Board of Education shall analyze the PSAT, PLAN, SAT, ACT, and the College Placement Test to determine if equivalent scores can be determined. In cases where such equivalences can be determined, the State Board of Education may adopt those scores as meeting the graduation requirement in lieu of the FCAT cut score. Each time the score is changed, new equivalences must be determined. The provision shall take effect for students who are eligible to graduate in the 2002-2003 academic year, and the Department of Education may use unexpended Bright Futures/CLEP program funding for 2002-2003 to ensure the study is completed in time to authorize graduation for students who may have received an equivalent score authorized under this section.*

Section 4. This act shall take effect July 1, 2003.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public school student assessment; amending s. 1003.43, F.S., relating to high school graduation requirements; requiring the State Board of Education to adopt rules; requiring the award of a standard diploma to certain ESOL students who meet certain criteria; amending s. 1008.22, F.S., relating to student assessment for public schools; providing a cross-reference; providing for assessments for the 10th-grade testing requirement administered to certain high school students; requiring the State Board of Education to conduct a study of equivalency scores for certain examinations; authorizing the State Board to adopt certain equivalency scores as meeting graduation requirements in lieu of FCAT passing scores; defining eligible students; providing an effective date.

On motion by Senator Diaz de la Portilla, further consideration of **SB 2546** with pending **Amendment 1 (042782)** was deferred.

On motion by Senator Clary, by two-thirds vote **HB 1277** was withdrawn from the Committees on Regulated Industries; Judiciary; Commerce, Economic Opportunities, and Consumer Services; and Governmental Oversight and Productivity.

On motion by Senator Clary, by two-thirds vote—

**HB 1277**—A bill to be entitled An act relating to contracting; amending ss. 489.128 and 489.532, F.S.; clarifying that the prohibition on enforcement of construction contracts extends only to enforcement by the unlicensed contractor; clarifying the specific licensure status required and timing of licensure for purposes of determining the enforceability of a construction contract; clarifying the effect of an unenforceable contract on other contracts and obligations; clarifying that unlicensed contractors have no lien or bond rights; clarifying that sureties of unlicensed contractors have continuing bond obligations; amending s.

713.02, F.S., relating to liens for unlicensed contractors, subcontractors, or sub-subcontractors, to conform; amending s. 489.113, F.S.; requiring certain swimming pool work to be subcontracted; revising provisions for the scope of work that a licensed general contractor may perform; amending s. 489.117, F.S.; specifying conditions under which a person may perform specialty contracting services without obtaining a local professional license; amending ss. 489.119 and 489.521, F.S.; revising license requirements for certain business organizations engaging in contracting; providing for retroactive application; providing legislative intent; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1382** and by two-thirds vote read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1277** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Consideration of **CS for SB 1828**, **CS for SB 1542** and **CS for SB 2110** was deferred.

**SB 2368**—A bill to be entitled An act relating to water utilities; creating s. 367.172, F.S.; providing legislative findings with respect to monopoly water utilities; authorizing counties to require monopoly water utilities to meet certain standards for potable water; authorizing counties to require certification and recertification of water quality; providing for an audit procedure to be performed by an independent entity; providing for an ad hoc committee to oversee the certification and recertification procedures; providing for the membership of the committee; providing that the cost of additional audits may be considered in establishing rates, with certain exceptions; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning recommended the following amendments which were moved by Senator Fasano and failed:

**Amendment 1 (750458)**—On page 2, lines 5, 8 and 12, before “standards” insert: *water quality*

**Amendment 2 (143584)**—On page 2, lines 28-30, delete those lines and insert: *health officer, and two members of the scientific community. These members shall be appointed by the chair of the board of county commissioners and shall serve 1-year terms. In addition, the chair of the board of county commissioners or a designee from the board shall serve as chair of the ad hoc committee. The committee shall meet at the call of the chair, or request of a majority of its membership, to establish an audit and certification procedure, to hear customer complaints, and to determine whether an interim or additional audit is necessary. A majority of committee members shall constitute a quorum and the affirmative vote of a majority of a quorum is necessary for the committee to take action. The county shall provide administrative support to the committee, as necessary. The*

Senator Fasano moved the following amendments which were adopted:

**Amendment 3 (893284)**—On page 1, lines 23 and 24, delete those lines and insert:

367.172 Monopoly water utilities; legislative intent; Pasco County pilot project, countywide standards for black water and customer service.—

**Amendment 4 (525252)(with title amendment)**—On page 2, line 2 through page 3, line 8, delete those lines and insert: *of the water delivered into customers' homes. It is the further intent of the Legislature to establish a pilot program in Pasco County regarding monopoly water utilities which is intended to allow Pasco County the ability to respond to consumer criticisms regarding black water and other consumer complaints dealing with customer service. It is also the intent of the Legislature to maintain a statewide uniform system of regulation with respect to the establishment of water quality standards. Therefore, the Legislature recognizes that only the Department of Environmental Protection, the Public Service Commission, and the Environmental Protection Agency are authorized to establish water quality criteria requirements. Nonetheless, it is recognized that technology may be available to assist in lessening black water problems. It is also recognized that monopoly water utilities have established varying degrees of customer service programs that are designed to respond to consumer complaints regarding customer service.*

(2) *If Pasco County is receiving black water or other customer service complaints from a significant number of those customers serviced by a monopoly water utility, the chairman of the county commission may establish a monopoly water utility ad hoc committee consisting of the chairman of the county commission, two utility representatives from monopoly water utilities, two customer representatives, the county health officer, and two independent scientific experts in water chemistry. The committee shall be in existence for no more than a 2-year period, and its function shall be:*

(a) *To review and evaluate customer service complaints and, if deemed necessary, recommend to the county commission the establishment of uniform customer service criteria to be applied by all monopoly water utilities;*

(b) *To review and evaluate black water concerns expressed by customers serviced by a monopoly water utility if similar complaints have also been filed with the Public Service Commission; and*

(c) *If deemed necessary, recommend to the county commission the propriety of requiring new technology or new uniform minimum technology standards for use by monopoly water utilities in the treatment of black water and customer service responsiveness. The ad hoc committee may evaluate a monopoly water utility's operational protocol only insofar as it relates to customer service. The ad hoc committee may not recommend standards that deal with the financial aspects of a water utility or standards or criteria relating to water quality which would either conflict with or be more stringent than water quality standards presently imposed by the Public Service Commission, the Department of Environmental Protection, or the Environmental Protection Agency. However, the ad hoc committee may recommend the establishment of local technological standards or methods of treatment relating to the esthetics of black water or other minimum standards regarding general responsiveness to customer service complaints. Such technological standards relating to black water must be economically, technologically, and environmentally feasible. The ad hoc committee shall consult with the Public Service Commission, the Department of Environmental Protection, or the Environmental Protection Agency as necessary.*

(3) *On the recommendation of the ad hoc committee, the county commission may choose to adopt additional technological standards designed to resolve black water issues which are not required by the Public Service Commission, the Department of Environmental Protection, or the Environmental Protection Agency and may also choose to adopt other minimum standards for customer service responsiveness. Upon the adoption of any such standards, each monopoly water utility shall be informed of those new standards and shall be given 3 months to submit to the county a plan for compliance with those standards. The county shall allow for a reasonable time to bring such systems into compliance with the new standards. Notwithstanding any other provisions of this section, the county commission may not adopt standards that deal with the financial aspects of a monopoly water utility or standards or criteria relating to water quality as applied to a monopoly water utility which would either conflict with or be more stringent than water quality standards or criteria presently imposed by the Public Service Commission, the Department of Environmental Protection, or the Environmental Protection*

*Agency. The county's decision to adopt any technological or customer service standards is agency action only for the purposes of this act and is subject to chapter 120, Florida Statutes. Any affected monopoly water utility, consumer, or state agency may challenge, pursuant to chapter 120, Florida Statutes, the county's decision to adopt such standards as not complying with the provisions contained in this section, and the county shall refer the petition to the Division of Administrative Hearings. Any decision of an administrative law judge is final agency action, subject to appeal pursuant to section 120.68, Florida Statutes. If there is no challenge to the decision of the county commission to impose additional standards as provided for in this section or the county prevails in an administrative challenge to the proposed standards, the full amount of any reasonable and prudent costs incurred in complying with the county requirements are recoverable by a monopoly water utility under section 367.081(4)(b), Florida Statutes.*

(4) *If any other provision of this chapter is inconsistent with this section, this section shall prevail.*

(5) *This section shall expire effective July 1, 2005.*

And the title is amended as follows:

On page 1, lines 5-16, delete those lines and insert: *providing for a pilot project for Pasco County to facilitate county response to certain consumer complaints; providing legislative intent; allowing the chairman of the board of county commissioners to establish a monopoly water utility ad hoc committee for a prescribed period; providing for the membership and duties of the ad hoc committee; allowing the county commission to adopt additional technological standards to address issues relating to black water; requiring that utilities receive notice of the standards and that they submit a compliance plan to the county; prohibiting county commissions from adopting standards that relate to the finances of a monopoly water utility or that conflict with specified standards imposed by other regulatory bodies; providing procedures for challenging standards adopted by the county; providing for a monopoly water utility to recover certain costs of compliance with the county requirements; providing that this act supersedes conflicting provisions of ch. 367, F.S.; providing for future repeal; providing an effective*

On motion by Senator Fasano, by two-thirds vote **SB 2368** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for CS for SB 574.

John B. Phelps, Clerk

**CS for CS for SB 574**—A bill to be entitled An act relating to the Florida Building Code; providing requirements relating to regional

emergency elevator access; requiring elevators in newly constructed or certain substantially renovated buildings to be keyed alike within each of the state emergency response regions; providing for these requirements to be phased in for certain existing buildings; restricting the duplication and issuance of master elevator keys; requiring the labeling of master elevator keys; allowing local fire marshals to allow substitute emergency measures for elevator access in certain circumstances; providing for appeal of the local fire marshal's decision; providing for the State Fire Marshal to enforce these provisions; encouraging builders to use applicable new technology to provide regional emergency elevator access; providing an exemption for certain buildings; amending s. 399.106, F.S.; revising the membership of the Elevator Safety Technical Advisory Committee; removing provisions terminating the committee; amending s. 633.171, F.S.; establishing penalties for unauthorized use of fireworks and pyrotechnic devices; amending s. 553.73, F.S.; including hospice facilities in the Florida Building Code; authorizing the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; allowing the commission to stay enforcement of provisions of the Florida Building Code under certain conditions; amending s. 399.13, F.S.; authorizing counties and municipalities to impose certain fees and fines; amending s. 400.605, F.S.; deleting requirements to adopt physical plant standards for a hospice; creating s. 400.6055, F.S.; requiring construction standards for hospice facilities to comply with the Florida Building Code; amending s. 1013.45, F.S.; requiring life-cycle, cost-analysis in selection of public school facilities; delaying the implementation of the administrative rule providing for product approval; providing an effective date.

#### RECONSIDERATION OF BILL

On motion by Senator Constantine, the Senate reconsidered the vote by which—

**CS for CS for SB 574**—A bill to be entitled An act relating to the Florida Building Code; providing requirements relating to regional emergency elevator access; requiring elevators in newly constructed or certain substantially renovated buildings to be keyed alike within each of the state emergency response regions; providing for these requirements to be phased in for certain existing buildings; restricting the duplication and issuance of master elevator keys; requiring the labeling of master elevator keys; allowing local fire marshals to allow substitute emergency measures for elevator access in certain circumstances; providing for appeal of the local fire marshal's decision; providing for the State Fire Marshal to enforce these provisions; encouraging builders to use applicable new technology to provide regional emergency elevator access; providing an exemption for certain buildings; amending s. 399.106, F.S.; revising the membership of the Elevator Safety Technical Advisory Committee; removing provisions terminating the committee; amending s. 633.171, F.S.; establishing penalties for unauthorized use of fireworks and pyrotechnic devices; amending s. 553.73, F.S.; including hospice facilities in the Florida Building Code; authorizing the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; allowing the commission to stay enforcement of provisions of the Florida Building Code under certain conditions; amending s. 399.13, F.S.; authorizing counties and municipalities to impose certain fees and fines; amending s. 400.605, F.S.; deleting requirements to adopt physical plant standards for a hospice; creating s. 400.6055, F.S.; requiring construction standards for hospice facilities to comply with the Florida Building Code; amending s. 1013.45, F.S.; requiring life-cycle, cost-analysis in selection of public school facilities; delaying the implementation of the administrative rule providing for product approval; providing an effective date.

—passed this day.

Senator Constantine moved the following amendment which was adopted by two-thirds vote:

**Amendment 1 (081846)(with title amendment)**—On page 10, line 29 through page 11, line 9, delete those lines and redesignate subsequent sections

And the title is amended as follows:

On page 2, lines 13-15, delete those lines and insert: public school facilities; providing an

On motion by Senator Constantine, by two-thirds vote **CS for CS for SB 574** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

#### SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

**HB 319**—A bill to be entitled An act relating to state universities; creating s. 1001.70, F.S.; establishing the Board of Governors; providing membership and terms of office; amending s. 1001.71, F.S.; revising membership of university boards of trustees and terms of office; creating s. 1010.10, F.S.; creating the Florida Uniform Management of Institutional Funds Act; providing definitions; providing for expenditure of endowment funds by a governing board; providing for a standard of conduct; providing investment authority; providing for delegation of investment management; providing for investment costs; providing for release of restrictions on use or investment; providing for uniformity of application and construction; providing for retroactive effect; amending s. 1011.94, F.S., relating to the Trust Fund for University Major Gifts; revising provisions relating to use of proceeds; replacing references to State Board of Education with Board of Governors; providing limitations on matching funds; amending s. 17.076, F.S.; providing an exception to a public records exemption; amending s. 20.555, F.S.; deleting reference to the Board of Regents; amending s. 110.161, F.S.; including employees of state universities in the definition of “employee” for purposes of the pretax benefits program; amending s. 112.215, F.S.; including employees of state university boards of trustees in the definition of “employee” for purposes of the deferred compensation program; amending s. 287.064, F.S.; authorizing state universities to continue to participate in the consolidated equipment financing program; amending s. 440.38, F.S.; including state universities as self-insurers for purposes of workers’ compensation; amending s. 1001.74, F.S.; adding a cross reference relating to pretax benefits for state university employees; amending s. 1004.24, F.S.; deleting obsolete reference to postaudit of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1004.26, F.S.; conforming university oversight of student government; amending s. 1004.445, F.S.; deleting obsolete reference to postaudit of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1009.21, F.S.; revising provisions relating to determination of resident status for tuition purposes; providing for reclassification; providing for classification of certain graduate teaching assistants or graduate research assistants; amending s. 1009.24, F.S.; revising provisions relating to undergraduate tuition and fees; authorizing a nonrefundable admissions deposit; creating 1012.975, F.S.; defining the terms “cash-equivalent compensation,” “public funds,” and “remuneration”; limiting the annual remuneration of a state university president to \$225,000 from public funds; providing certain limitations on benefits for state university presidents under the Florida Retirement System; authorizing a party to provide cash or cash-equivalent compensation in excess of annual limit from nonpublic funds; eliminating any state obligation to provide cash or cash-equivalent compensation for state university presidents under certain circumstances; providing effective dates.

—which was previously considered and amended this day.

#### RECONSIDERATION OF AMENDMENT

On motion by Senator Constantine, the Senate reconsidered the vote by which **Amendment 1 (234806)** as amended was adopted.

## MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Diaz de la Portilla recommended the following amendment to **Amendment 1** which was moved by Senator Constantine and adopted:

**Amendment 1B (753974)(with title amendment)**—On page 26, between lines 26 and 27, insert:

Section 20. Present subsection (11) of section 1009.21, Florida Statutes, is renumbered as subsection (12) and a new subsection (11) is added to that section to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(11) *A student, other than a nonimmigrant alien within the meaning of Title 8 U.S.C. s. 1101(a)(15), who meets all of the following requirements shall be exempt from paying nonresident tuition at community colleges and state universities:*

(a) *Has resided in Florida with a parent as defined in paragraph (1)(d) for at least 3 consecutive years immediately preceding the date the student received a high school diploma or its equivalent and has attended a Florida high school for at least 3 consecutive school years during such time.*

(b) *Has provided to a community college or a state university an affidavit stating that the student will file an application to become a permanent resident of the United States at the earliest opportunity he or she is eligible to do so.*

Section 21. For the purpose of incorporating the amendment to section 1009.21, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 1009.40, Florida Statutes, is reenacted to read:

1009.40 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by an accrediting agency recognized by the State Board of Education; any Florida institution the credits of which are acceptable for transfer to state universities; any technical center; or any private technical institution accredited by an accrediting agency recognized by the State Board of Education.

2. Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, or s. 1009.89. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21 and rules of the State Board of Education.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 29, line 21, after the semicolon (;) insert: amending s. 1009.21, F.S.; providing an exemption from payment of nonresident

tuition at community colleges and state universities for certain students meeting eligibility criteria; reenacting s. 1009.40(1)(a), F.S., relating to general requirements for eligibility for state financial aid, to incorporate the amendment to s. 1009.21, F.S., in a reference;

**Amendment 1** as amended was adopted.

On motion by Senator Constantine, by two-thirds vote **HB 319** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Consideration of **CS for CS for SB 2658, CS for SB 2330, CS for SB 1866, CS for CS for SB 2738, CS for SB 2750, CS for SB 2350 and CS for CS for CS for SB's 2328, SB 2252** was deferred.

On motion by Senator Fasano, by two-thirds vote **HB 195** was withdrawn from the Committees on Judiciary; Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Fasano—

**HB 195**—A bill to be entitled An act relating to emergency medical dispatch; creating s. 768.1335, F.S.; creating the Emergency Medical Dispatch Act; providing definitions; providing a presumption of non-negligence for certain persons who use emergency dispatch protocols; providing exceptions; amending s. 401.111, F.S.; providing for grants to local agencies to support emergency medical dispatch; providing an effective date.

—a companion measure, was substituted for **CS for SB 338** and read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 195** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

On motion by Senator Saunders, by two-thirds vote **HB 1527** was withdrawn from the Committees on Health, Aging, and Long-Term

Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Saunders—

**HB 1527**—A bill to be entitled An act relating to health care regulation; creating the Florida Alzheimer's Training Act; providing a popular name; amending ss. 400.4785, 400.5571, and 400.6045, F.S.; prescribing training standards for employees of home health agencies, adult day care centers, and hospices, respectively, that provide care for persons who have Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; providing for compliance with guidelines within a certain time period; providing for approval of Alzheimer's training and trainers; providing for application of training to meet specified requirements; providing authority to adopt rules; providing legislative findings and intent; encouraging state universities, colleges, and postsecondary schools preparing students for health care professions to include training about Alzheimer's disease and related disorders; providing an effective date.

—a companion measure, was substituted for **CS for SB 1116** and read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1527** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peadar
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 162, with amendment(s), and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 162**—A bill to be entitled An act relating to American Sign Language; providing legislative findings and purpose; allowing foreign-language credits for instruction in American Sign Language; requiring notice of limitations; providing duties of the Commissioner of Education and the State Board of Education; providing for a task force and prescribing its duties; requiring teachers of American Sign Language to be licensed by a specified date; providing a plan for postsecondary institutions; providing an effective date.

**House Amendment 1 (636447)**—Page 2, line 28 through page 3, line 19, remove all of said lines, and insert:

*seven-member task force that includes representatives from two state universities and one private college or university located within this state which currently offer a 4-year deaf education or sign language interpretation program as a part of their respective curricula, two representatives from the Florida American Sign Language Teachers' Association (FASLTA), and two representatives from community colleges located within this state which have established Interpreter Training Programs (ITPs).*

*This task force shall develop and submit to the Commissioner of Education a report that contains the most up-to-date information about American Sign Language (ASL) and guidelines for developing and maintaining ASL courses as a part of the curriculum. This information must be made available to any administrator of a public or an independent school upon request of the administrator.*

(b) *By January 1, 2005, the State Board of Education shall adopt rules establishing licensing/certification standards to be applied to teachers who teach ASL as part of a school curriculum. In developing the rules, the state board shall consult with the task force established under paragraph (a).*

(c) *An ASL teacher must be certified by the Department of Education by January 1, 2008, and must obtain current certification through the Florida American Sign Language Teachers' Association (FASLTA) by January 1, 2006. New FASLTA certification may be used by current ASL teachers as an alternative certification track.*

On motion by Senator Wise, the Senate concurred in the House amendment.

**CS for SB 162** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peadar
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 260, with amendment(s), and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 260**—A bill to be entitled An act relating to condominiums; amending s. 718.113, F.S.; allowing unit owners to fly armed services flags on designated days and patriotic holidays; providing an effective date.

**House Amendment 1 (899135)**—On page 1, line(s) 17 & 18, remove: all of said lines and insert: *Day, may display in a respectful way portable, removable official flags, not larger than 4 1/2 feet by 6 feet, that represent the United States Army, Navy, Air Force, Marine Corps, or Coast Guard,*

On motion by Senator Fasano, the Senate concurred in the House amendment.

**CS for SB 260** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Atwater	Campbell
Argenziano	Bennett	Carlton
Aronberg	Bullard	Clary

Constantine	Hill	Pruitt
Cowin	Jones	Saunders
Crist	Klein	Sebesta
Dawson	Lawson	Siplin
Diaz de la Portilla	Lee	Smith
Dockery	Lynn	Villalobos
Fasano	Margolis	Wasserman Schultz
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise
Nays—None		

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1098, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

**CS for SB 1098**—A bill to be entitled An act relating to the rights of members of the United States Armed Forces, the United States Reserve Forces, and the Florida National Guard; amending s. 83.67, F.S.; prohibiting a landlord from discriminating against a member in offering a dwelling unit or in any terms of a rental agreement; amending s. 83.682, F.S.; providing conditions under which a member may terminate his or her rental agreement; revising liability in the event of early termination of a tenancy; amending s. 115.09, F.S.; requiring the granting of leave of absence for state, county, and municipal officials who are members of the National Guard or a reserve component of the Armed Forces; amending s. 115.14, F.S.; requiring the granting of leave of absence for state, county, and municipal employees; revising provisions with respect to supplemental pay; creating s. 250.015, F.S.; providing legislative intent; creating s. 250.035, F.S.; providing for the applicability of federal law; creating s. 520.14, F.S.; providing conditions under which a member may terminate his or her retail installment contract for leasing a motor vehicle; amending s. 627.7283, F.S.; requiring an insurer to refund the entire unearned premium to any member of the United States Armed Forces who cancels a policy under certain circumstances; creating s. 689.27, F.S., providing requirements and procedure with respect to the termination by a member of the United States Armed Services, the United States Reserve Forces, or the Florida National Guard of an agreement to purchase real property; amending s. 1009.531, F.S.; extending eligibility for, and use of, scholarships under the Florida Bright Futures Program based on military service; providing an effective date.

**House Amendment 1 (981921)(with title amendment)**—Remove everything after the enacting clause, and insert:

Section 1. Part IV of chapter 250, Florida Statutes, consisting of sections 250.80, 250.81, 250.82, 250.83, and 250.84, is created to read:

#### PART IV

#### FLORIDA UNIFORMED SERVICEMEMBERS PROTECTION ACT

**250.80 Popular name.**—Sections 250.80-250.84 may be known by the popular name the “Florida Uniformed Servicemembers Protection Act.”

**250.81 Legislative intent.**—It is the intent of the Legislature that men and women who serve in the Florida National Guard, the United States Armed Forces, and Armed Forces Reserves understand their rights under applicable state and federal laws. Further, it is the intent of the Legislature that Florida residents and businesses understand the rights afforded to the men and women who volunteer their time and sacrifice their lives to protect the freedoms granted by the Constitutions of the United States and the State of Florida.

**250.82 Applicability of federal law.**—

(1) Florida law provides certain protections to members of the United States Armed Forces, the United States Reserve Forces, and the Florida National Guard in various legal proceedings and contractual relationships. In addition to these state provisions, federal law also contains protections, such as those provided in the Soldiers’ and Sailors’ Civil Relief Act (SSCRA), Title 50, Appendix United States Code, Section 501, et seq., and the Uniformed Services Employment and Reemployment

Rights Act (USERRA), Title 38 United States Code, chapter 43, that are applicable to members in every state even though such provisions are not specifically identified under state law.

(2) To the extent allowed by federal law, the state courts shall have concurrent jurisdiction for enforcement over all causes of action arising from the provisions of federal law and may award a remedy as provided therein.

**250.83 Construction of part.**—In the event that any other provision of law conflicts with SSCRA, USERRA, or the provisions of this chapter, the provisions of SSCRA, USERRA, or the provisions of this chapter, whichever is applicable, shall control. Nothing in this part shall construe rights or responsibilities not provided under the SSCRA, USERRA, or this chapter.

**250.84 Florida Uniformed Servicemembers Protection Act; rights of servicemembers; incorporation by reference.**—

(1)(a) It is the intent of the Legislature to ensure that those individuals affected by the provisions of the Florida Uniformed Servicemembers Protection Act be made aware of the rights and responsibilities of servicemembers. The Department of Military Affairs shall make available a document containing the rights and responsibilities of servicemembers set forth in Florida Statutes, either through printed or electronic means, to appropriate state or local organizations composed of parties affected by said rights, including, but not limited to, those representing:

1. Motor vehicle dealers.
2. Financial institutions and mortgage brokers.
3. Telecommunications service companies.
4. Residential tenancies.
5. Real estate salespersons and brokers.
6. Members of the Florida Bar Association who serve on a military affairs-related committee.

(b) The Department of Military Affairs shall also make available a document containing the rights and responsibilities of servicemembers set forth in Florida Statutes, either through printed or electronic means, to servicemembers and their families.

(c) Such documents containing the rights and responsibilities of servicemembers set forth in this act shall include an enumeration of all rights and responsibilities under state and federal law, including, but not limited to:

1. The rights and responsibilities provided by the Florida Uniformed Servicemembers Protection Act, including a listing of all sections of Florida Statutes relating to servicemembers.
2. The rights and responsibilities provided by the Soldiers’ and Sailors’ Civil Relief Act.
3. The rights and responsibilities provided by the Uniformed Servicemembers Employment and Reemployment Rights Act.

Section 2. Subsections (14), (15), and (16) are added to section 83.43, Florida Statutes, to read:

**83.43 Definitions.**—As used in this part, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(14) “Servicemember” shall have the same meaning as provided in s. 250.01.

(15) “Active duty” shall have the same meaning as provided in s. 250.01.

(16) “State active duty” shall have the same meaning as provided in s. 250.01.

Section 3. Subsection (1) of section 83.64, Florida Statutes, is amended to read:

## 83.64 Retaliatory conduct.—

(1) It is unlawful for a landlord to discriminatorily increase a tenant's rent or decrease services to a tenant, or to bring or threaten to bring an action for possession or other civil action, primarily because the landlord is retaliating against the tenant. In order for the tenant to raise the defense of retaliatory conduct, the tenant must have acted in good faith. Examples of conduct for which the landlord may not retaliate include, but are not limited to, situations where:

(a) The tenant has complained to a governmental agency charged with responsibility for enforcement of a building, housing, or health code of a suspected violation applicable to the premises;

(b) The tenant has organized, encouraged, or participated in a tenants' organization; or

(c) The tenant has complained to the landlord pursuant to s. 83.56(1); or

(d) *The tenant is a servicemember who has terminated a rental agreement pursuant to s. 83.682.*

## Section 4. Section 83.67, Florida Statutes, is amended to read:

## 83.67 Prohibited practices.—

(1) No landlord of any dwelling unit governed by this part shall cause, directly or indirectly, the termination or interruption of any utility service furnished the tenant, including, but not limited to, water, heat, light, electricity, gas, elevator, garbage collection, or refrigeration, whether or not the utility service is under the control of, or payment is made by, the landlord.

(2) No landlord of any dwelling unit governed by this part shall prevent the tenant from gaining reasonable access to the dwelling unit by any means, including, but not limited to, changing the locks or using any bootlock or similar device.

(3) *No landlord of any dwelling unit governed by this part shall discriminate against a servicemember in offering a dwelling unit for rent or in any of the terms of the rental agreement.*

(4)(3) No landlord of any dwelling unit governed by this part shall remove the outside doors, locks, roof, walls, or windows of the unit except for purposes of maintenance, repair, or replacement; nor shall the landlord remove the tenant's personal property from the dwelling unit unless said action is taken after surrender, abandonment, or a lawful eviction. If provided in the rental agreement or a written agreement separate from the rental agreement, upon surrender or abandonment by the tenant, the landlord is not required to comply with s. 715.104 and is not liable or responsible for storage or disposition of the tenant's personal property; if provided in the rental agreement there must be printed or clearly stamped on such rental agreement a legend in substantially the following form:

BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

For the purposes of this section, abandonment shall be as set forth in s. 83.59(3)(c).

(5)(4) A landlord who violates the provisions of this section shall be liable to the tenant for actual and consequential damages or 3 months' rent, whichever is greater, and costs, including attorney's fees. Subsequent or repeated violations which are not contemporaneous with the initial violation shall be subject to separate awards of damages.

(6)(5) A violation of this section shall constitute irreparable harm for the purposes of injunctive relief.

(7)(6) The remedies provided by this section are not exclusive and shall not preclude the tenant from pursuing any other remedy at law or equity which the tenant may have. *The remedies provided by this section shall also apply to a servicemember who is a prospective tenant who has been discriminated against under subsection (3).*

## Section 5. Section 83.682, Florida Statutes, is amended to read:

83.682 Termination of rental agreement by a ~~servicemember member of the United States Armed Forces.~~

(1)(a) ~~Any servicemember member of the United States Armed Forces who is required to move pursuant to permanent change of station orders to depart 35 miles or more from the location of a rental premises or who is prematurely or involuntarily discharged or released from active duty with the United States Armed Forces may terminate his or her rental agreement by providing the landlord with a written notice of termination to be effective on the date stated in the notice that is at least 30 days after the landlord's receipt of the notice if any of the following criteria are met:-~~

(a) *The servicemember is required, pursuant to a permanent change of station orders, to move 35 miles or more from the location of the rental premises;*

(b) *The servicemember is prematurely or involuntarily discharged or released from active duty or state active duty;*

(c) *The servicemember is released from active duty or state active duty after having leased the rental premises while on active duty or state active duty status and the rental premises is 35 miles or more from the servicemember's home of record prior to entering active duty or state active duty;*

(d) *After entering into a rental agreement, the servicemember receives military orders requiring him or her to move into government quarters or the servicemember becomes eligible to live in and opts to move into government quarters;*

(e) *The servicemember receives temporary duty orders, temporary change of station orders, or state active duty orders to an area 35 miles or more from the location of the rental premises, provided such orders are for a period exceeding 60 days; or*

(f) *The servicemember has leased the property, but prior to taking possession of the rental premises, receives a change of orders to an area that is 35 miles or more from the location of the rental premises.*

(2) The notice to the landlord must be accompanied by either a copy of the official military orders or a written verification signed by the ~~servicemember's member's~~ commanding officer.

(3)(b) ~~In the event a servicemember member of the United States Armed Forces dies during active duty, an adult member of his or her immediate family may terminate the servicemember's member's rental agreement by providing the landlord with a written notice of termination to be effective on the date stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord must be accompanied by either a copy of the official military orders showing the servicemember was on active duty or a written verification signed by the servicemember's member's Commanding Officer and a copy of the servicemember's death certificate.~~

(4)(2) Upon termination of a rental agreement under this section, the tenant is liable for the rent due under the rental agreement prorated to the effective date of the termination payable at such time as would have otherwise been required by the terms of the rental agreement. The tenant is not liable for any other rent or damages due to the early termination of the tenancy *as provided for in this section except the liquidated damages provided in this section. Notwithstanding any provision of this section to the contrary*, if a tenant terminates the rental agreement pursuant to this section 14 or more days prior to occupancy, no damages or penalties of any kind ~~will be assessable are due~~.

(3) ~~In consideration of early termination of the rental agreement, the tenant is liable to the landlord for liquidated damages provided the tenant has completed less than 9 months of the tenancy and the landlord has suffered actual damages due to loss of the tenancy. The liquidated damages must be no greater than 1 month's rent if the tenant has completed less than 6 months of the tenancy as of the effective date of termination, or one-half of 1 month's rent if the tenant has completed at least 6 but not less than 9 months of the tenancy as of the effective date of termination.~~

(5)(4) The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.



Section 6. Section 115.02, Florida Statutes, is amended to read:

115.02 Governor to grant application; proviso.—When any such officer shall be granted a leave of absence pursuant to this chapter ~~volunteer or be called into the service of the United States during war~~, the Governor shall, upon application being made by such officer, grant such officer leave of absence during the time he or she shall be retained in such military service; provided, such service shall not extend beyond the term of office of such officer, in which event the office shall be filled by election at the expiration thereof.

Section 7. Section 115.08, Florida Statutes, is amended to read:

115.08 Definitions.—

(1) The term “active military service” as used in this chapter ~~law~~ shall signify active duty in the Florida defense force or federal service in training or on active duty with any branch of the ~~Armed Forces or Reservists of the Armed Forces, the Florida National Guard Army of the United States, the United States Navy, the Marine Corps of the United States, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces either with the army or the navy, and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.~~

(2) The term “period of active military service” as used in this chapter ~~law~~ shall begin with the date of entering upon active military service, and shall terminate with death or a date 30 days immediately next succeeding the date of release or discharge from active military service, or upon return from active military service, whichever shall occur first.

(3) *The term “servicemember” as used in this chapter shall have the same meaning as provided in s. 250.01.*

Section 8. Section 115.09, Florida Statutes, is amended to read:

115.09 Leave to public officials for military service.—All officials of the state, the several counties of the state, and the municipalities or political subdivisions of the state, including district school and community college officers, which officials are also ~~servicemembers officers or enlisted personnel~~ in the National Guard or a reserve component of the Armed Forces of the United States, ~~shall may, subject to the provisions and conditions hereafter set forth~~, be granted leave of absence from their respective offices and duties to perform active military service, the first 30 days of any such leave of absence to be with full pay.

Section 9. *Section 115.10, Florida Statutes, is repealed.*

Section 10. Section 115.12, Florida Statutes, is amended to read:

115.12 Rights during leave.—

(1) During such leave of absence such official shall be entitled to preserve all seniority rights, efficiency ratings, promotional status and retirement privileges. The period of active military service shall, for purposes of computation to determine whether such person may be entitled to retirement under the laws of the state, be deemed continuous service in the office of said official. While absent on such leave without pay, said official shall not be required to make any contribution to any retirement fund.

(2) *The employing authority shall adhere to all the provisions contained in the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.*

Section 11. Section 115.13, Florida Statutes, is amended to read:

115.13 Resumption of official duties.—Upon said officer terminating his or her active military service, he or she shall ~~immediately~~ enter upon the duties of office for the unexpired portion of the term for which he or she was elected or appointed, *in accordance with the limits provided under the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.*

Section 12. Section 115.14, Florida Statutes, is amended to read:

115.14 Employees.—All employees of the state, the several counties of the state, and the municipalities or political subdivisions of the state

~~shall may, in the discretion of the employing authority of such employee, be granted leave of absence under the terms of this law; upon such leave of absence being granted said employee shall enjoy the same rights and privileges as are hereby granted to officials under this law, insofar as may be, including, without limitation, receiving full pay for the first 30 days. Notwithstanding the provisions of s. 115.09, the employing authority may supplement the military pay of its officials and employees who are reservists called to active military service after the first 30 days for the first 30 days with full pay and, thereafter, in an amount necessary to bring their total salary, inclusive of their base military pay, to the level earned at the time they were called to active military duty. The employing authority shall may also, in its discretion, continue to provide all any health insurance and other existing benefits to such officials and employees as required by the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.~~

Section 13. Section 115.15, Florida Statutes, is amended to read:

115.15 Adoption of federal law for employees.—The provisions of the *Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C., section 8 of chapter 720 Acts of Congress of the United States, approved September 16, 1940 (Title 50 App. Section 308, U.S.C.A.)*, insofar as it relates to the reemployment of public employees ~~granted a leave of absence on active military duty under this law~~, shall be applicable in this state and the refusal of any state, county, or municipal official to comply therewith shall subject him or her to removal from office.

Section 14. Section 250.01, Florida Statutes, is amended to read:

*(Substantial rewording of section. See*

*s. 250.01, F.S., for present text.)*

250.01 Definitions.—As used in this chapter, the term:

(1) “Active duty” means full-time duty in active military service of the United States. The term includes federal duty such as full-time training, annual training, and attendance while a person is in active military service or in a school designated as a service school by law or by the secretary of the applicable military department. The term does not mean full-time duty in the National Guard.

(2) “State active duty” means full-time duty in active military service of the State of Florida when ordered by the Governor or Adjutant General in accordance with s. 250.06, s. 250.10, or s. 250.28 to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, enhance security and respond to terrorist threats or attacks, respond to an emergency as defined in s. 252.34 or to imminent danger of an emergency, enforce the law, carry out counter-drug operations, provide training, provide for the security of the rights or lives of the public, protect property, or conduct ceremonies. The term includes the duties of officers or enlisted personnel who are employed under the order of the Governor in recruiting; making tours of instruction; inspecting troops, armories, storehouses, campsites, rifle ranges, or military property; sitting on general or special courts-martial, boards of examination, courts of inquiry, or boards of officers; or making or assisting in physical examinations.

*The terms shall also include the period during which a person in active military service is absent from duty as a result of illness, being wounded, being on leave, or other lawful cause.*

(3) “SSCRA” means the Soldiers’ and Sailors’ Civil Relief Act, Title 50, Appendix U.S.C. s. 501 et seq.

(4) “Servicemember” means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

(5) “USERRA” means the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

Section 15. Paragraph (e) is added to subsection (3) of section 320.07, Florida Statutes, present subsection (5) is renumbered as subsection (6) and amended, and a new subsection (5) is added to said section, to read:

320.07 Expiration of registration; annual renewal required; penalties.—



(3) The operation of any motor vehicle without having attached thereto a registration license plate and validation stickers, or the use of any mobile home without having attached thereto a mobile home sticker, for the current registration period shall subject the owner thereof, if he or she is present, or, if the owner is not present, the operator thereof to the following penalty provisions:

(e) Any servicemember, as defined in s. 250.01, whose mobile home registration has expired while serving on active duty or state active duty shall not be charged with a violation of this subsection if, at the time of the offense, the servicemember was serving on active duty or state active duty 35 miles or more from the mobile home. The servicemember must present to the department either a copy of the official military orders or a written verification signed by the servicemember's commanding officer to waive charges.

(5) Any servicemember, as defined in s. 250.01, whose motor vehicle or mobile home registration has expired while serving on active duty or state active duty, shall be able to renew his or her registration upon return from active duty or state active duty without penalty, if the servicemember served on active duty or state active duty 35 miles or more from the servicemember's home of record prior to entering active duty or state active duty. The servicemember must provide to the department either a copy of the official military orders or a written verification signed by the servicemember's commanding officer to waive delinquent fees.

(6)(5) Delinquent fees imposed under this section shall not be apportionable under the International Registration Plan.

Section 16. Section 364.195, Florida Statutes, is created to read:

364.195 Termination of telecommunications service contract by a servicemember.—

(1) Any servicemember, as defined in s. 250.01, may terminate his or her telecommunications service contract by providing the telecommunications company with a written notice of termination, effective on the date specified in the notice, which date shall be at least 30 days after receipt of the notice by the telecommunications company, if any of the following criteria are met:

(a) The servicemember is required, pursuant to a permanent change of station orders, to move outside the area served by the telecommunications company or to an area where the type of telecommunications service being provided to the servicemember is not available from the telecommunications company;

(b) The servicemember is discharged or released from active duty or state active duty and will return from such duty to an area not served by the telecommunications company or where the type of telecommunications service contracted for is not available from the telecommunications company;

(c) The servicemember is released from active duty or state active duty after having entered into a contract for telecommunications service while on active duty or state active duty status and the telecommunications company does not provide telecommunications service or the same type of telecommunications service contracted for in the region of the servicemember's home of record prior to entering active duty or state active duty;

(d) The servicemember receives military orders requiring him or her to move outside the continental United States; or

(e) The servicemember receives temporary duty orders, temporary change of station orders, or active duty or state active duty orders to an area not served by the telecommunications company or where the type of telecommunications service contracted for is not available from the telecommunications company, provided such orders are for a period exceeding 60 days.

(2) The written notice to the telecommunications company must be accompanied by either a copy of the official military orders or a written verification signed by the servicemember's commanding officer.

(3) Upon termination of a contract under this section, the servicemember is liable for the amount due under the contract prorated to the effective date of the termination payable at such time as would have otherwise been required by the terms of the contract. The servicemember

is not liable for any other fees due to the early termination of the contract as provided for in this section.

(4) The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.

Section 17. Section 520.14, Florida Statutes, is created to read:

520.14 Termination of retail installment contract for leasing a motor vehicle by a servicemember.—

(1) Any servicemember, as defined in s. 250.01, may terminate his or her retail installment contract for leasing a motor vehicle by providing the sales finance company with a written notice of termination, effective on the date specified in the notice, which date shall be at least 30 days after the receipt of the notice by the sales finance company, if any of the following criteria are met:

(a) The servicemember is required, pursuant to a permanent change of station, to move outside the continental United States; or

(b) The servicemember receives temporary duty orders, temporary change of station orders, or active duty orders outside the continental United States, provided such orders are for a period exceeding 60 days.

(2) The written notice to the sales finance company under subsection (1) must be accompanied by either a copy of the official military orders or a written verification signed by the servicemember's commanding officer.

(3) Upon termination of a contract under this section, the lessee is liable for the amount due under the contract, prorated to the effective date of the termination, payable at such time as would have otherwise been required by the terms of the contract. The lessee is not liable for any other fees due to the early termination of the contract as provided for in this section.

(4) The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.

Section 18. Subsection (5) is added to section 627.7283, Florida Statutes, to read:

627.7283 Cancellation; return of premium.—

(5) The insurer must refund 100 percent of the unearned premium if the insured is a servicemember, as defined in s. 250.01, who cancels because he or she is called to active duty or transferred by the United States Armed Forces to a location where the insurance is not required. The insurer may require a servicemember to submit either a copy of the official military orders or a written verification signed by the servicemember's commanding officer to support the refund authorized under this subsection. If the insurer cancels, the insurer must refund 100 percent of the unearned premium. Cancellation is without prejudice to any claim originating prior to the effective date of the cancellation. For purposes of this section, unearned premiums must be computed on a pro rata basis.

Section 19. Section 689.27, Florida Statutes, is created to read:

689.27 Termination of agreement to purchase real property by a servicemember.—

(1) Notwithstanding any other provisions of law and for the purposes of this section:

(a) "Closing" means the finalizing of the sale of property, upon which title to the property is transferred from the seller to the buyer.

(b) "Contract" means an instrument purporting to contain an agreement to purchase real property.

(c) "Property" means a house, condominium, or mobile home that a servicemember intends to purchase to serve as his or her primary residence.

(d) "Servicemember" shall have the same meaning as provided in s. 250.01.

(2) Any servicemember may terminate a contract to purchase property, prior to closing on such property, by providing the seller or mortga-

gor of the property with a written notice of termination to be effective immediately, if any of the following criteria are met:

(a) *The servicemember is required, pursuant to permanent change of station orders received after entering into a contract for the property and prior to closing, to move 35 miles or more from the location of the property;*

(b) *The servicemember is released from active duty or state active duty after having agreed to purchase the property and prior to closing while serving on active duty or state active duty status, and the property is 35 miles or more from the servicemember's home of record prior to entering active duty or state active duty;*

(c) *Prior to closing, the servicemember receives military orders requiring him or her to move into government quarters or the servicemember becomes eligible to live in and opts to move into government quarters; or*

(d) *Prior to closing, the servicemember receives temporary duty orders, temporary change of station orders, or active duty or state active duty orders to an area 35 miles or more from the location of the property, provided such orders are for a period exceeding 90 days.*

(3) *The notice to the seller or mortgagor canceling the contract must be accompanied by either a copy of the official military orders or a written verification signed by the servicemember's commanding officer.*

(4) *Upon termination of a contract under this section, the seller or mortgagor or his or her agent shall refund any funds provided by the servicemember under the contract within 7 days. The servicemember is not liable for any other fees due to the termination of the contract as provided for in this section.*

(5) *The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.*

Section 20. Subsection (2) of section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(2) A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. *For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 7-year renewal period shall commence upon the date of separation from active duty.*

Section 21. Subsection (1) of section 1009.532, Florida Statutes, is amended to read:

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.—

(1) To be eligible to renew a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Complete at least 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship.

(b) Maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medallion Scholarship or a Florida Gold Seal Vocational Scholarship, the Department of Education may grant a renewal from one of those other scholarship programs, if the student meets the renewal eligibility requirements; or

2. If, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a reinstatement only once. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the student's next opportunity for renewal is the fall semester of the following academic year; or

3. *If a student is receiving a Florida Bright Futures Scholarship, is a servicemember of the Florida National Guard or United States Reserves while attending a postsecondary institution, is called to active duty or state active duty, as defined in s. 250.01, prior to completing his or her degree, and meets all other requirements for the scholarship, the student shall be eligible to continue the scholarship for 2 years after completing active duty or state active duty.*

Section 22. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title, and insert:

A bill to be entitled

An act relating to military affairs; creating pt. IV of ch. 250, F.S., the "Florida Uniformed Servicemembers Protection Act"; providing a popular name; providing legislative intent; providing for applicability of specified federal laws to servicemembers when serving on active duty or state active duty; providing for jurisdiction of the courts; providing for construction of pt. IV of ch. 250, F.S.; amending s. 83.43, F.S.; defining "servicemember," "active duty," and "state active duty" for purposes of the Florida Residential Landlord and Tenant Act; amending s. 83.64, F.S.; prohibiting retaliatory action by a landlord for termination of a rental agreement by a servicemember; amending s. 83.67, F.S.; prohibiting a landlord from discriminating against a servicemember in offering a dwelling unit for rent or in any of the terms of a rental agreement; providing for applicability of remedies to servicemembers who are prospective tenants and the subject of such discrimination; amending s. 83.682, F.S.; providing conditions under which a servicemember may terminate his or her rental agreement; revising terminology; revising liability of a servicemember in the event of early termination of a tenancy; amending s. 115.02, F.S.; revising provisions with respect to the granting of a leave of absence to an officer; amending s. 115.08, F.S.; revising the definition of "active military service" and "period of active military service" and providing a definition of "servicemember"; amending s. 115.09, F.S.; requiring the granting of leave of absence for state, county, and municipal officials who are servicemembers; repealing s. 115.10, F.S., relating to granting and denial of leave of absence for public officials by the Governor; amending s. 115.12, F.S.; revising provisions relating to rights during leave to provide that the employing authority must adhere to the provisions of the federal Uniformed Services Employment and Reemployment Rights Act; amending s. 115.13, F.S.; revising provisions relating to resumption of official duties; amending s. 115.14, F.S.; requiring the granting of leave of absence for state, county, and municipal employees; revising provisions with respect to supplemental pay for reservist officials and employees called to active military service; requiring an employing authority to continue to provide all health insurance and other existing benefits; amending s. 115.15, F.S.; providing for applicability of the federal Uniformed Services Employment and Reemployment Rights Act; amending s. 250.01, F.S.; providing definitions; amending s. 320.07, F.S.; exempting servicemembers from penalties for expiration of mobile home and motor vehicle registrations when such registrations expire while the servicemember is serving on active duty or state active duty; creating s. 364.195, F.S.; providing requirements and procedure with respect to termination of a telecommunications service contract by a servicemember; creating s. 520.14, F.S.; providing requirements and procedure with respect to the termination of a retail installment contract for leasing a motor vehicle by a servicemember; amending s. 627.7283, F.S.; requiring motor vehicle insurance companies to refund the entire unearned portion of a premium upon cancellation of motor vehicle insurance by a servicemember when the servicemember is required to move pursuant to specified orders; creating

s. 689.27, F.S.; providing definitions; providing requirements and procedure with respect to the termination of an agreement to purchase real property by a servicemember; amending s. 1009.531, F.S.; extending the eligibility period for the Florida Bright Futures Scholarship Program for students who enlist in the armed forces or reserves immediately after completion of high school; amending s. 1009.532, F.S.; providing eligibility for continuation of Florida Bright Futures Scholarships for students attending postsecondary institutions who are also Florida National Guard or United States Reserves servicemembers and are called to active duty or active state duty; providing an effective date.

WHEREAS, the United States is once again experiencing the mobilization and deployment of U.S. military troops, and

WHEREAS, while our military personnel are devoting their entire energy to the needs of our nation, we must ensure that the men and women of the United States military and their families are protected at home, and

WHEREAS, the additional protections and benefits provided by this act are necessary and proper given the sacrifice of our men and women in uniform and their families, NOW, THEREFORE,

On motion by Senator Fasano, the Senate concurred in the House amendment.

**CS for SB 1098** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2366, with amendment(s), and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 2366**—A bill to be entitled An act relating to aggravated child abuse; amending s. 827.03, F.S.; defining the term “maliciously” for purposes of the offense of aggravated child abuse; providing an effective date.

**House Amendment 1 (546431)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Section 827.03, Florida Statutes, is amended to read:

827.03 Abuse, aggravated abuse, and neglect of a child; penalties.—

(1) “Child abuse” means:

(a) Intentional infliction of physical or mental injury upon a child;

(b) An intentional act that could reasonably be expected to result in physical or mental injury to a child; or

(c) Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or mental injury to a child.

A person who knowingly or willfully abuses a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) “Aggravated child abuse” occurs when a person:

(a) Commits aggravated battery on a child;

(b) Willfully tortures, maliciously punishes, or willfully and unlawfully cages a child; or

(c) Knowingly or willfully abuses a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child.

A person who commits aggravated child abuse commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) “Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

(b) A person who willfully or by culpable negligence neglects a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who willfully or by culpable negligence neglects a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) *For purposes of this section, “maliciously” means wrongfully, intentionally, and without legal justification or excuse. Maliciousness may be established by circumstances from which one could conclude that a reasonable parent would not have engaged in the damaging acts toward the child for any valid reason and that the primary purpose of the acts was to cause the victim unjustifiable pain or injury.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows: Remove the entire title and insert:

A bill to be entitled An act relating to abuse of children; amending s. 827.03, F.S.; providing a definition for the term “maliciously” for purposes of aggravated child abuse; providing an effective date.

On motion by Senator Fasano, the Senate concurred in the House amendment. The vote was:

Yeas—24

Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Sebesta
Bullard	Haridopolos	Smith
Clary	Hill	Villalobos
Crist	Jones	Webster
Diaz de la Portilla	Lynn	Wise

Nays—14

Alexander	Constantine	Klein
Campbell	Cowin	Lee
Carlton	Dawson	Margolis

Miller	Siplin	Wilson
Saunders	Wasserman Schultz	

**CS for SB 2366** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Alexander	Diaz de la Portilla	Lynn
Argenziano	Dockery	Margolis
Aronberg	Fasano	Peaden
Atwater	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Saunders
Clary	Hill	Sebesta
Constantine	Jones	Smith
Cowin	Klein	Villalobos
Crist	Lawson	Webster
Dawson	Lee	Wise

Nays—6

Campbell	Miller	Wasserman Schultz
Carlton	Siplin	Wilson

### SPECIAL ORDER CALENDAR, continued

**CS for SB 1542**—A bill to be entitled An act relating to elections; suspending operation of the second primary election until January 1, 2006; providing a date in 2004 by which candidates for Lieutenant Governor must be designated and qualified; providing campaign finance reporting dates and contribution limits for the 2004 elections; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **CS for SB 1542** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—1

Campbell

**CS for CS for CS for SB's 2328 and 2252**—A bill to be entitled An act relating to economic stimulus; amending s. 212.097, F.S.; revising provisions providing for an urban job tax credit program to apply to designated urban job tax credit areas rather than high crime areas; revising and providing definitions, eligibility criteria, application procedures and requirements, and area characteristics and criteria; authorizing transfer of unused credits; specifying use of transferred credits; amending s. 220.1895, F.S.; conforming changes; removing a historical reference; amending s. 288.1045, F.S.; revising the definition of "Department of Defense contract" under the tax refund program for qualified defense contractors; extending the period applicable to a program exemption under certain conditions; amending s. 288.106, F.S.; providing for special consideration to be given to defense and homeland security under the tax refund program for qualified target industry businesses; extending the period applicable to a program exemption under certain conditions; reenacting and amending s. 288.9515, F.S.; revising and clarifying powers of Enterprise Florida, Inc., to develop authorized technology development programs; deleting a preference requirement for

contractor selections; clarifying a requirement for capitalization of a technology development financing fund; revising criteria and requirements for investment of moneys in the Florida Technology Research Investment Fund; providing for payment of certain claims from the fund; specifying nonapplication of state credit or taxing power; specifying absence of state liability for certain claims; directing Enterprise Florida, Inc., to facilitate the formation of investor networks; repealing s. 288.9517, F.S., relating to audits of the technology development board and confidentiality of the identity of certain contributors to the board; repealing s. 14, ch. 93-187, Laws of Florida, relating to the future repeal and review by the Legislature of statutes governing certain technology development programs of Enterprise Florida, Inc.; amending s. 445.048, F.S.; continuing and expanding the Passport to Economic Progress demonstration program; providing appropriations; creating s. 624.5108, F.S., relating to casualty insurance assessment offsets; providing definitions; providing for an application procedure for designation as a state economic stimulus plan provider; creating application criteria; authorizing the Office of Tourism, Trade, and Economic Development to perform background checks on applicants; authorizing the Office of Tourism, Trade, and Economic Development to deny the application if the criteria for a provider applicant is not met; requiring the provider applicant to be incorporated in Florida; requiring the provider applicant to establish an office in the state within 60 days after being designated a SESP provider; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules to govern the application process; providing for a SESP provider allocation offset process; establishing a State Economic Stimulus Plan Fund; providing for permissible uses for the SESP funds; requiring the Office of Tourism, Trade, and Economic Development to approve economic development projects or permissible investment proposals no later than 20 days after receiving a written proposal; requiring the SESP provider to report certain information to the Office of Tourism, Trade, and Economic Development no later than 30 days after the fund allocation date; requiring the SESP provider to file an annual report; requiring the SESP provider to provide an annual audited financial statement; providing for SESP provider assessment offsets; amending s. 1004.225, F.S.; removing historical provisions; conforming changes; providing for the designation of an additional center of excellence; providing application, evaluation, and designation procedures; extending the expiration of the Florida Technology Development Act; providing an appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for CS for SB's 2328 and 2252** to **HB 315**.

Pending further consideration of **CS for CS for CS for SB's 2328 and 2252** as amended, on motion by Senator Saunders, by two-thirds vote **HB 315** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Saunders, by two-thirds vote—

**HB 315**—A bill to be entitled An act relating to the Florida Institute for Human and Machine Cognition, Inc.; creating s. 1004.447, F.S.; establishing the Florida Institute for Human and Machine Cognition, Inc., at the University of West Florida as a not-for-profit corporation; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing for articles of incorporation; providing powers of the corporation; authorizing contracts without competitive bidding; providing for a board of directors; providing for an affiliation agreement; providing for an annual postaudit report; authorizing the corporation to secure liability protection; providing for assumption of responsibilities of the corporation by the University of West Florida under certain circumstances; providing for administration of the institute by a chief executive officer and providing duties; requiring appointment of a council of scientific advisers and providing duties; providing that the corporation and its subsidiaries are not agencies for certain purposes; authorizing additional affiliation agreements; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB's 2328 and 2252** as amended and by two-thirds vote read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 315** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

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The Senate resumed consideration of—

**CS for SB 1224**—A bill to be entitled An act relating to leaving children unattended or unsupervised in a motor vehicle; amending s. 316.6135, F.S.; revising the elements of the noncriminal infraction to prohibit leaving a child younger than a specified age unattended or unsupervised in a motor vehicle for any period of time; increasing a penalty and providing additional penalties; providing an effective date.

—which was previously considered this day.

### MOTION

On motion by Senator Dawson, the rules were waived to allow the following amendment to be considered:

Senators Dawson, Wasserman Schultz and Garcia offered the following amendment which was moved by Senator Dawson and adopted by two-thirds vote:

**Amendment 1 (431820)**—On page 1, lines 22 and 23, delete those lines and insert: *unattended or unsupervised in a motor vehicle for more than a 5-minute period of time and, during that period of 5 minutes or less, at least one window of the motor vehicle must be open a period in excess of 15 minutes; however, no such*

On motion by Senator Dawson, by two-thirds vote **CS for SB 1224** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

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The Senate resumed consideration of—

**CS for SB 2560**—A bill to be entitled An act relating to regulation of professions and occupations; repealing ss. 468.401, 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.412, 468.413, 468.414, 468.415, F.S., relating to the regulation of talent agencies; providing for the department to continue outstanding legal proceedings; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (982630)** by Senator Clary was adopted.

### RECONSIDERATION OF AMENDMENT

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which **Amendment 1 (725444)** was adopted. **Amendment 1** was withdrawn.

### MOTION

On motion by Senator Clary, the rules were waived to allow the following amendment to be considered:

Senator Clary moved the following amendment:

**Amendment 3 (674272)(with title amendment)**—On page 1, lines 14-29, delete those lines and insert:

Section 1. Paragraph (a) of subsection (8) of section 1012.79, Florida Statutes, is amended to read:

1012.79 Education Practices Commission; organization.—

(8)(a) The commission shall, from time to time, designate members of the commission to serve on panels for the purpose of reviewing and issuing final orders upon cases presented to the commission. A case concerning a complaint against a teacher shall be reviewed and a final order thereon shall be entered by a panel composed of *five seven* commission members, *three four* of whom shall be teachers. A case concerning a complaint against an administrator shall be reviewed and a final order thereon shall be entered by a panel composed of *five seven* commission members, *three four* of whom shall be administrators.

Section 2. Section 1012.795, Florida Statutes, is amended to read:

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any person as defined in s. 1012.01(2) or (3) for a period of time not to exceed 5 3 years, thereby denying that person the *privilege right* to teach or otherwise be employed in a public school in any capacity that requires direct contact with students for that period of time, after which the holder may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the *privilege right* to teach or otherwise be employed in a public school in any capacity that requires direct contact with students for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); may revoke permanently the educator certificate of any person, thereby denying that person the *privilege right* to teach or otherwise be employed in a public school in any capacity that requires direct contact with students; may suspend the educator certificate, upon order of the court, of any person found to have a delinquent child support obligation; or may impose any other penalty provided by law, *if provided* it can be shown that the person:

(a) Obtained or attempted to obtain an the educator certificate by fraudulent means.

(b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(c) Has been guilty of gross immorality or an act involving moral turpitude.

(d) Has had an educator certificate sanctioned by *revoked in* another state.

(e) Has been convicted of a crime in any jurisdiction *misdemeanor, felony, or any other criminal charge*, other than a minor traffic violation.

(f) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the district school board.

(g) Has breached a contract, as provided in s. 1012.33(2).

(h) Has been the subject of a court order directing the Education Practices Commission to suspend the certificate as a result of a delinquent child support obligation.

(i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

(j) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

(k) Has violated any order of the Education Practices Commission.

*(l) Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificateholder to surrender or otherwise relinquish his or her educator's certificate. Any surrender or relinquishment constitutes a permanent revocation of the certificate. A person may not surrender or otherwise relinquish his or her certificate prior to a finding of probable cause by the commissioner as provided in s. 1012.796.*

(2) The plea of guilty in any court, the decision of guilty by any court, the forfeiture by the teaching certificateholder of a bond in any court of law, or the written acknowledgment, duly witnessed, of offenses listed in subsection (1) to the district school superintendent or a duly appointed representative or to the district school board shall be prima facie proof of grounds for revocation of the certificate as listed in subsection (1) in the absence of proof by the certificateholder that the plea of guilty, forfeiture of bond, or admission of guilt was caused by threats, coercion, or fraudulent means.

(3) The revocation by the Education Practices Commission of an educator certificate of any person automatically revokes any and all Florida educator certificates held by that person.

(4)(a) An educator certificate which has been suspended under this section is automatically reinstated at the end of the suspension period, provided the certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the former certificate may secure a new certificate by making application therefor and by meeting the certification requirements of the state board current at the time of the application for the new certificate. An educator certificate suspended pursuant to a court order for a delinquent child support obligation may only be reinstated upon notice from the court that the party has complied with the terms of the court order.

(b) A person whose educator certificate has been revoked under this section may apply for a new certificate at the expiration of that period of ineligibility fixed by the Education Practices Commission by making application therefor and by meeting the certification requirements of the state board current at the time of the application for the new certificate.

(5) Each district school superintendent and the governing authority of each university lab school, state-supported school, or private school shall report to the department the name of any person certified pursuant to this chapter or employed and qualified pursuant to s. 1012.39:

(a) Who has been convicted of, or who has pled nolo contendere to, a misdemeanor, felony, or any other criminal charge, other than a minor traffic infraction;

(b) Who that official has reason to believe has committed or is found to have committed any act which would be a ground for revocation or suspension under subsection (1); or

(c) Who has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.

(6)(a) When an individual violates ~~any provision of the provisions of a settlement agreement enforced by a final order of the Education Practices Commission, the Department of Education may request that an order to show cause may be issued by the clerk of the commission issue an order to show cause.~~ The order shall require the individual to appear before the commission to show cause why further penalties should not be levied against the individual's certificate pursuant to the authority provided to the Education Practices Commission in subsection (1). The Education Practices Commission may fashion further penalties under the authority of subsection (1) as it deems ~~deemed~~ appropriate upon considering when the show cause order is responded to by the individual.

(b) The Education Practices Commission shall issue a final order revoking an individual's Florida educator's certificate for a minimum of

1 year ~~if the individual has been the subject of sanctions by the Education Practices Commission on two previous occasions. under the following circumstances:~~

~~1. If the individual:~~

~~a. Has been found to have violated the provisions of this section, such that the Education Practices Commission has the authority to discipline the individual's Florida educator's certificate on two separate occasions;~~

~~b. Has twice entered into a settlement agreement enforced by a final order of the Education Practices Commission; or~~

~~c. Has been found to have violated the provisions of this section, such that the Education Practices Commission has the authority to discipline the individual's Florida educator's certificate on one occasion and entered into a settlement agreement enforced by a final order of the Education Practices Commission on one occasion; and~~

~~2. A third finding of probable cause and a finding that the allegations are proven or admitted to is subsequently found by the Commissioner of Education.~~

~~If, in the third instance, the individual enters into a settlement agreement with the Department of Education, that agreement shall also include a penalty revoking that individual's Florida educator's certificate for a minimum of 1 year.~~

Section 3. Paragraph (d) is added to subsection (1) of section 1012.796, Florida Statutes, and subsections (6), (7), and (8) of that section are amended, to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)

*(d) Notwithstanding any other provision of law to the contrary, all law enforcement agencies, state attorneys, social service agencies, and district school boards, and the Division of Administrative Hearings, shall fully cooperate with, and upon request shall provide unredacted documents to, the Department of Education to further investigations and prosecutions conducted as authorized by this section. Any such document may not be redisclosed except as authorized by law.*

(6) Upon the finding of probable cause, the commissioner shall file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120, *except as provided in s. 1012.561*. An administrative law judge shall be assigned by the Division of Administrative Hearings of the Department of Management Services to hear the complaint if there are disputed issues of material fact. The administrative law judge shall make recommendations in accordance with the provisions of subsection (7) to the appropriate Education Practices Commission panel which shall conduct a formal review of such recommendations and other pertinent information and issue a final order. The commission shall consult with its legal counsel prior to issuance of a final order.

(7) A panel of the commission shall enter a final order either dismissing the complaint or imposing one or more of the following penalties:

(a) Denial of an application for a teaching certificate or for an administrative or supervisory endorsement on a teaching certificate. The denial may provide that the applicant may not reapply for certification, and that the department may refuse to consider that applicant's application, for a specified period of time or permanently.

(b) Revocation or suspension of a certificate.

(c) Imposition of an administrative fine not to exceed \$2,000 for each count or separate offense.

(d) Placement of the teacher, administrator, or supervisor on probation for a period of time and subject to such conditions as the commission may specify, including requiring the certified teacher, administrator, or supervisor to complete additional appropriate college courses or work with another certified educator, with the administrative costs of monitoring the probation assessed to the educator placed on probation. *At a minimum, an educator who is on probation shall:*

1. Immediately notify the Bureau of Educator Standards upon his or her employment or termination of employment in the state in any public or private position that requires a Florida educator's certificate.

2. Have his or her immediate supervisor submit annual performance reports to the Bureau of Educator Standards.

3. Pay to the commission within the first 6 months of each probation year the administrative costs of monitoring probation which have been assessed to him or her.

4. Not violate any law and shall fully comply with all district school board policies, school rules, and State Board of Education rules.

5. Satisfactorily perform his or her assigned duties in a competent, professional manner.

6. Bear all costs of complying with the terms of a final order entered by the commission.

(e) Restriction of the authorized scope of practice of the teacher, administrator, or supervisor.

(f) Reprimand of the teacher, administrator, or supervisor in writing, with a copy to be placed in the certification file of such person.

(g) Imposition of an administrative sanction, upon a person whose teaching certificate has expired, for an act or acts committed while that person possessed a teaching certificate or an expired certificate subject to late renewal, which sanction bars that person from applying for a new certificate for a period of 10 years or less, or permanently.

(h) Refer the teacher, administrator, or supervisor to the recovery network program provided in s. 1012.798 under such terms and conditions as the commission specifies.

(8) Violations of the provisions of a final order probation shall result in an order to show cause issued by the clerk of the Education Practices Commission when requested by the Department of Education. Upon failure of the educator probationer, at the time and place stated in the order, to show cause satisfactorily to the Education Practices Commission why a penalty for violating the provisions of a final order probation should not be imposed, the Education Practices Commission shall impose whatever penalty is appropriate as established in s. 1012.795(6). Any probation period will be tolled when an order to show cause has been issued until the issue is resolved by the Education Practices Commission.

Section 4. Subsections (1), (3), and (10) and paragraph (c) of subsection (6) of section 1012.798, Florida Statutes, are amended to read:

1012.798 Recovery network program for educators.—

(1) RECOVERY NETWORK ESTABLISHED.—There is created within the Department of Education, a recovery network program to assist educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition in obtaining treatment to permit their continued contribution to the education profession. Any person who has applied for or holds certification issued by the department pursuant to s. 1012.56 is eligible for the program assistance. The individual may enter the program voluntarily or may be directed to participate through a deferred prosecution agreement with the Commissioner of Education or a final order of the Education Practices Commission pursuant to s. 1012.796.

(3) PURPOSE.—The recovery network program shall assist educators in obtaining treatment and services from approved treatment providers, but each impaired educator must pay for his or her treatment under terms and conditions agreed upon by the impaired educator and the treatment provider. A person who is admitted to the recovery network program must contract with the treatment provider and the program. The treatment contract must prescribe the type of treatment and the responsibilities of the impaired educator and of the provider and must provide that the impaired educator's progress will be monitored by the recovery network program.

(6) PARTICIPATION.—The recovery network program shall operate independently of employee assistance programs operated by local school districts, and the powers and duties of school districts to make employment decisions, including disciplinary decisions, is not affected except as provided in this section:

(c) A person who has not previously been under investigation by the department may be enrolled in a treatment program by the recovery network program after an investigation pursuant to s. 1012.796 has commenced, if the person:

1. Acknowledges his or her impairment.

2. Agrees to evaluation, as approved by the recovery network.

3. Agrees to enroll in an appropriate treatment program approved by the recovery network.

4. Executes releases for all medical and treatment records regarding his or her impairment and participation in a treatment program to the recovery network, pursuant to 42 U.S.C. s. 290dd-3 and the federal regulations adopted thereunder.

5. Enters into a deferred prosecution agreement with the commissioner, which provides that no prosecution shall be instituted concerning the matters enumerated in the agreement if the person is properly enrolled in the treatment program and successfully completes the program as certified by the recovery network. The commissioner is under no obligation to enter into a deferred prosecution agreement with the educator but may do so if he or she determines that it is in the best interest of the educational program of the state and the educator:—

a.6. Has not previously entered a substance abuse program.

b.7. Is not being investigated for any action involving commission of a felony or violent act against another person.

c.8. Has not had multiple arrests for minor drug use, possession, or abuse of alcohol.

(10) DECLARATION OF INELIGIBILITY.—

(a) A person may be declared ineligible for further assistance from the recovery network program if he or she does not progress satisfactorily in a treatment program or leaves a prescribed program or course of treatment without the approval of the treatment provider.

(b) The determination of ineligibility must be made by the commissioner in cases referred to him or her by the program administrator or his or her designee after review of the circumstances of the case. Before referring a case to the commissioner, the administrator must discuss the circumstances with the treatment provider. The commissioner may direct the Office of Professional Practices Services to investigate the case and provide a report.

(c) If a treatment through contract with the program is a condition of a deferred prosecution agreement, and the program administrator commissioner determines that the person is ineligible for further assistance, the commissioner may agree to modify the terms and conditions of the deferred prosecution agreement or may issue an administrative complaint, pursuant to s. 1012.796, alleging the charges regarding which prosecution was deferred. The person may dispute the determination as an affirmative defense to the administrative complaint by including with his or her request for hearing on the administrative complaint a written statement setting forth the facts and circumstances that show that the determination of ineligibility was erroneous. If administrative proceedings regarding the administrative complaint, pursuant to ss. 120.569 and 120.57, result in a finding that the determination of ineligibility was erroneous, the person is eligible to participate in the program. If the determination of ineligibility was the only reason for setting aside the deferred prosecution agreement and issuing the administrative complaint and the administrative proceedings result in a finding that the determination was erroneous, the complaint shall be dismissed and the deferred prosecution agreement reinstated without prejudice to the commissioner's right to reissue the administrative complaint for other breaches of the agreement.

(d) If a treatment through contract with the program is a condition of a final order of the Education Practices Commission, the program administrator's commissioner's determination of ineligibility constitutes a finding of probable cause that the person failed to comply with the final order. Pursuant to ss. 1012.795 and 1012.796, upon the request of the Department of Education, the clerk of the Education Practices Commission shall issue to the educator an order to show cause, or the commissioner may shall issue an administrative complaint, and the case shall

~~proceed under ss. 1012.795 and 1012.796~~, in the same manner as *in* cases based on a failure to comply with an order of the Education Practices Commission.

(e) If the person voluntarily entered into a treatment contract with the program, the ~~program administrator~~ ~~commissioner~~ shall issue a written notice stating the reasons for the determination of ineligibility. Within 20 days after the date of such notice, the person may contest the determination of ineligibility pursuant to ss. 120.569 and 120.57.

Section 5. Subsection (4) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 985.407, or chapter 400; or

6. Is seeking to be employed or licensed by ~~the Office of Teacher Education, Certification, Staff Development, and Professional Practices~~ of the Department of Education, any district school board, *any university laboratory school, any charter school, any private or parochial school*, or any local governmental entity that licenses child care facilities.

(b) Subject to the exceptions in paragraph (a), a person who has been granted an expunction under this section, former s. 893.14, former s. 901.33, or former s. 943.058 may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge an expunged criminal history record.

(c) Information relating to the existence of an expunged criminal history record which is provided in accordance with paragraph (a) is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the existence of a criminal history record ordered expunged to the entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes, and to criminal justice agencies for their respective criminal justice purposes. It is unlawful for any employee of an entity set forth in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6. to disclose information relating to the existence of an expunged criminal history record of a person seeking employment or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment or licensure decisions. Any person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 6. Subsection (4) of section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). A criminal history record that relates to a violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in s. 907.041 may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section



does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(4) **EFFECT OF CRIMINAL HISTORY RECORD SEALING.**—A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.103, s. 985.407, or chapter 400; or
6. Is seeking to be employed or licensed by ~~the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that which~~ licenses child care facilities.

(b) Subject to the exceptions in paragraph (a), a person who has been granted a sealing under this section, former s. 893.14, former s. 901.33, or former s. 943.058 may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge a sealed criminal history record.

(c) Information relating to the existence of a sealed criminal record provided in accordance with the provisions of paragraph (a) is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the sealed criminal history record to the entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes. It is unlawful for any employee of an entity set forth in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6. to disclose information relating to the existence of a sealed criminal history record of a person seeking employment or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment or licensure decisions. Any person who violates the provisions of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) through line 9, after the semicolon (;), delete those lines and insert: amending s. 1012.79, F.S.; amending the number of members required for certain panels of the Education Practices Commission; amending s. 1012.795, F.S., relating to the Education Practices Commission's authority to discipline; revising grounds for discipline; providing penalties; amending s. 1012.796, F.S.; requiring certain agencies to provide unredacted documents to the Department of Education for purposes of investigating and prosecuting certified educators and applicants for certification; providing minimum standards that a probationer must meet; revising penalties that the

Education Practices Commission may impose; revising criteria for the use of an order to show cause; amending s. 1012.798, F.S.; revising provisions relating to the recovery network program for educators; amending s. 943.0585, F.S.; allowing certain employers of educators to have access to expunged records; amending s. 943.059, F.S.; allowing certain employers of educators to have access to sealed records;

On motion by Senator Diaz de la Portilla, further consideration of **CS for SB 2560** with pending **Amendment 3 (674272)** was deferred.

## LOCAL BILL CALENDAR, continued

On motion by Senator Dawson, by two-thirds vote—

**HB 299**—A bill to be entitled An act relating to the City of Delray Beach, Palm Beach County; providing for codification of existing special laws relating to the creation, powers, and duties of the Delray Beach Downtown Development Authority; codifying, amending, reenacting, and repealing chapters 71-604, 72-524, 80-495, 87-520, 89-477, 91-385, 92-263, 94-476, and 98-503, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 299** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

On motion by Senator Dawson—

**HB 427**—A bill to be entitled An act relating to the Health Care District of Palm Beach County; codifying, amending, and reenacting special acts relating to the District; providing a popular name; providing boundaries; providing for a governing board, rules of the board, and membership; providing powers and duties of the board; providing for an ad valorem tax; providing for issuance of bonds; providing for an annual report; repealing chapters 87-450, 92-340, 93-382, 96-509, and 2000-489, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 427** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

On motion by Senator Dawson, by two-thirds vote—

**HB 519**—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; codifying the district's charter; providing legislative intent; amending, codifying, and reenacting all special acts relating to Acme Improvement District as a single act; repealing all prior special acts relating to Acme Improvement District; amending the jurisdictional boundaries of Acme Improvement District; providing for the applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing that Acme Improvement District is a dependent district of the Village of Wellington; providing for liberal construction; providing a savings clause in the event any of the act is deemed invalid; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 519** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

On motion by Senator Dawson, by two-thirds vote—

**HB 1555**—A bill to be entitled An act relating to the West Palm Beach Downtown Development Authority, Palm Beach County; codifying the district's charter, chapters 67-2170, 77-664, 83-534, 84-540, 90-460, and 93-381, Laws of Florida; providing legislative intent; amending, codifying, and reenacting all special acts relating to the West Palm Beach Downtown Development Authority as a single act; repealing all prior special acts related to the authority; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 1555** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

## MOTION

On motion by Senator Clary, the House was requested to return **CS for CS for SB 1770**.

By direction of the President, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment(s) to HB 1757 and requests the Senate to recede.

*John B. Phelps, Clerk*

On motion by Senator Diaz de la Portilla, the Senate refused to recede from the Senate amendment to **HB 1757** and again requested that the House concur. The action of the Senate was certified to the House.

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2568, with amendment(s), and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 2568**—A bill to be entitled An act relating to vulnerable persons; amending s. 744.102, F.S.; redefining the term "professional guardian"; amending s. 744.1083, F.S.; revising procedures for registration of professional and public guardians; providing for the Department of Elderly Affairs to contract with a not-for-profit entity; providing for prerequisites; providing for a form; providing fees; requiring information to be provided to the courts; providing for voluntary registration as a public guardian of a state college or university or independent college or university; providing required registration information; amending s. 744.1085, F.S.; revising provisions relating to the regulation of professional and public guardians; providing for credit checks and background screenings; providing for an examination; providing for waiver of examination; prohibiting the appointment, after a specified date, of professional and public guardians who have not met these requirements; amending s. 744.3135, F.S., relating to credit and criminal investigations; allowing a court to require nonprofessional guardians to undergo credit checks and background screening; amending s. 744.444, F.S.; allowing plenary or limited guardians to employ case managers; permitting reasonable reimbursement of compensation and fees for persons employed by the guardian for services provided to the guardianship estate; allowing plenary or limited guardians to provide certain confidential information to ombudsman council members; requiring that confidentiality be maintained; amending s. 744.534, F.S.; providing for the Secretary of Elderly Affairs to determine the use of certain unclaimed funds held by a guardian; amending s. 744.7021, F.S.; revising the organization of the Statewide Public Guardianship Office within the Department of Elderly Affairs; providing that the Secretary of Elderly Affairs shall appoint or contract with the head of the office to be executive director; providing for rulemaking by the department; amending s. 744.704, F.S.; revising the powers and duties of public guardians; prescribing who may be served by public guardians; creating the Guardianship Task Force within the department; providing purpose; providing for staff, a chairperson, and membership of the task force; providing for organizations that appoint members to pay their expenses; providing duties of the task force; requiring a preliminary and a final report to the Governor and the Legislature; allowing the appointment of auxiliary members; providing a term of service; amending s. 744.108, F.S.; providing that costs and attorney's fees incurred as part of the guardianship administration shall be determined by the court; amending s. 744.3145, F.S.; reducing the educational requirements for a person serving as a guardian for the person's minor child; creating ss. 393.506 and 400.9685, F.S.; providing for certain unlicensed staff to assist persons with developmental disabilities to administer certain prescription medications; providing the conditions under which staff may assist with medication; requiring the Agency for Health Care Administration to provide for specified aspects of the administration of medication in rule; amending s. 415.102, F.S.; redefining the terms "abuse," "neglect," and "vulnerable adult"; creating s. 415.1046, F.S.; providing the Department of Children and Family Services with the authority to contract for provision of adult protective investigative services; stipulating the requirements for sheriffs' offices to be eligible to contract for provision of adult protective

investigative services; providing for the contracting and funding for adult protective investigative services; requiring sheriff's employees to complete certain training; stipulating minimum requirements for the sheriffs' offices' operation of adult protective investigations; requiring a program performance evaluation; amending s. 402.310, F.S.; authorizing the Department of Children and Family Services or a local licensing agency to deny, suspend, or revoke the license of a child care facility, a licensed family day care home, or a large family child care home and to deny, suspend, or revoke the registration of a family day care home following a violation of certain laws or rules; amending s. 402.313, F.S.; abolishing the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine for family day care homes; requiring the department to establish minimum safety standards for licensed family day care homes; amending s. 402.3131, F.S.; abolishing the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine for large family child care homes; amending s. 402.3055, F.S.; requiring a signed affidavit attesting to the accuracy of certain information provided by an applicant for a child care facility license; amending s. 402.310, F.S.; requiring the Department of Children and Family Services to establish and impose uniform penalties relating to child care facility violations; requiring implementation not contingent upon an appropriation; creating s. 402.3105, F.S.; requiring the department to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; requiring the Department of Children and Family Services to consult and meet the requirements of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring implementation not contingent upon an appropriation; directing the Department of Children and Family Services to adopt a rule defining child care; amending 400.141, F.S.; providing that a nursing facility may be cited for a failure to comply with standards under specified conditions; providing an effective date.

**House Amendment 1 (487613)(with title amendment)**—Remove everything after the enacting clause, and insert:

Section 1. Section 393.506, Florida Statutes, is created to read:

**393.506 Administration of medication.**—

(1) *Notwithstanding the provisions of part I of chapter 464, the Nurse Practice Act, unlicensed direct care service staff providing services to persons with developmental disabilities may administer oral, transdermal, inhaled, or topical prescription medications as provided in this section.*

(a) *For day programs, as defined in s. 393.063, the director of the facility or program shall designate in writing unlicensed direct care services staff who are eligible to be trained to assist in the administration of or to administer medication.*

(b) *For intermediate care facilities for the developmentally disabled licensed pursuant to part XI of chapter 400, unlicensed staff designated by the director may provide medication assistance under the general supervision of a registered nurse licensed pursuant to chapter 464.*

(2) *Each facility, institution, or program must include in its policies and procedures a plan for training designated staff to ensure the safe handling, storage, and administration of prescription medication. These policies and procedures must be approved by the department before unlicensed direct care services staff assist with medication.*

(3) *The policies and procedures must include, at a minimum, the following provisions:*

(a) *An expressed and informed consent for each client.*

(b) *The director of the facility, program, or provider must maintain a copy of the written prescription, and that prescription must include the name of the medication, the dosage and administration schedule, the reason for the prescription, and the termination date.*

(c) *Each prescribed medication shall be kept in its original container and in a secure location.*

(4) *The training required in this section shall be conducted by a registered nurse or a physician licensed pursuant to chapter 458 or chapter 459.*

Section 2. Section 400.9685, Florida Statutes, is created to read:

**400.9685 Administration of medication.**—

(1) *Notwithstanding the provisions of the Nurse Practice Act, part I of chapter 464, unlicensed direct care services staff who are providing services to clients in Intermediate Care Facilities for the Developmentally Disabled, licensed pursuant to this part, may administer prescribed, prepackaged, pre-measured medications under the general supervision of a registered nurse as provided in this section and applicable rules. Training required by this section and applicable rules must be conducted by a registered nurse licensed pursuant to chapter 464, or a physician licensed pursuant to chapter 458 or chapter 459.*

(2) *Each facility that allows unlicensed direct care service staff to administer medications pursuant to this section must:*

(a) *Develop and implement policies and procedures that include a plan to ensure the safe handling, storage, and administration of prescription medication.*

(b) *Maintain written evidence of the expressed and informed consent for each client.*

(c) *Maintain a copy of the written prescription including the name of the medication, the dosage, and administration schedule.*

(d) *Maintain documentation regarding the prescription including the name, dosage, and administration schedule, reason for prescription, and the termination date.*

(e) *Maintain documentation of compliance with required training.*

(3) *Agency rules shall specify the following as it relates to the administration of medications by unlicensed staff:*

(a) *Medications authorized and packaging required.*

(b) *Acceptable methods of administration.*

(c) *A definition of "general supervision".*

(d) *Minimum educational requirements of staff.*

(e) *Criteria of required training and competency that must be demonstrated prior to the administration of medications by unlicensed staff including in-service training.*

(f) *Requirements for safe handling, storage, and administration of medications.*

Section 3. Subsection (2) of section 394.74, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

**394.74** Contracts for provision of local substance abuse and mental health programs.—

(2)(a) Contracts for service shall be consistent with the approved district plan.

(b) *Notwithstanding s. 394.76(3)(a) and (c), the department may use unit cost methods of payment in contracts for purchasing mental health and substance abuse services. The unit cost contracting system must account for those patient fees that are paid on behalf of a specific client and those that are earned and used by the provider for those services funded in whole or in part by the department. The department may also use a fee-for-service arrangement, case rates, or a capitation arrangement in order to account for those services.*

(c) The department may reimburse actual expenditures for startup contracts and fixed capital outlay contracts in accordance with contract specifications.

(6) *The department may use a fee-for-service arrangement, case rates, or capitation in order to account for mental health and substance abuse services.*

Section 4. Subsections (1) and (26) of section 415.102, Florida Statutes, are amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(1) “Abuse” means any willful act or threatened act *by a caregiver* that causes or is likely to cause significant impairment to a vulnerable adult’s physical, mental, or emotional health. Abuse includes acts and omissions.

(26) “Vulnerable adult” means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, *long-term* physical, or developmental disability or dysfunctioning, or brain damage, or the infirmities of aging.

Section 5. Paragraph (h) is added to subsection (1) of section 765.401, Florida Statutes, to read:

765.401 The proxy.—

(1) If an incapacitated or developmentally disabled patient has not executed an advance directive, or designated a surrogate to execute an advance directive, or the designated or alternate surrogate is no longer available to make health care decisions, health care decisions may be made for the patient by any of the following individuals, in the following order of priority, if no individual in a prior class is reasonably available, willing, or competent to act:

(h) *A clinical social worker licensed pursuant to chapter 491, or who is a graduate of a court-approved guardianship program. Such a proxy must be selected by the provider’s bioethics committee and must not be employed by the provider. If the provider does not have a bioethics committee, then such a proxy may be chosen through an arrangement with the bioethics committee of another provider. The proxy will be notified that upon request, the provider shall make available a second physician, not involved in the patient’s care to assist the proxy in evaluating treatment. Decisions to withhold or withdraw life-prolonging procedures will be reviewed by the facility’s bioethics committee. Documentation of efforts to locate proxies from prior classes must be recorded in the patient record.*

Section 6. Subsection (15) of section 744.102, Florida Statutes, is amended to read:

744.102 Definitions.—As used in this chapter, the term:

(15) “Professional guardian” means any guardian who receives or has at any time received compensation for services rendered to more than two wards as their guardian. A person serving as a guardian for two or more relatives as defined in s. 744.309(2) is not considered a professional guardian. *A public guardian shall be considered a professional guardian for purposes of regulation, education, and registration.*

Section 7. Subsection (8) is added to section 744.108, Florida Statutes, to read:

744.108 Guardian’s and attorney’s fees and expenses.—

(8) *When court proceedings are instituted to review or determine a guardian’s or an attorney’s fees under subsection (2), such proceedings are part of the guardianship administration process and the costs, including fees for the guardian’s attorney, shall be determined by the court and paid from the assets of the guardianship estate unless the court finds the requested compensation under subsection (2) to be substantially unreasonable.*

Section 8. Section 744.1083, Florida Statutes, is amended to read:

744.1083 Professional guardian registration.—

(1) ~~Effective January 1, 2003, A professional guardian must register with the Statewide Public Guardianship Office established in part IX of this chapter. The Statewide Public Guardianship Office may contract with the clerk of the court in each county to perform the administrative functions associated with registering professional guardians.~~

(2) Annual registration shall be made on forms furnished by the Statewide Public Guardianship Office and accompanied by the applicable registration fee as determined by rule. Such fee shall not exceed \$100 \$25.

(3) Registration must include the following:

(a) If the professional guardian is a natural person, the name, address, date of birth, and employer identification or social security number of the professional guardian.

(b) If the professional guardian is a partnership or association, the name, address, and date of birth of every member, and the employer identification number of the partnership or association.

(c) If the professional guardian is a corporation, the name, address, and employer identification number of the corporation; the name, address, and date of birth of each of its directors and officers; the name of its resident agent; and the name, address, and date of birth of each person having at least a 10-percent interest in the corporation.

(d) The name, address, date of birth, and employer identification number, if applicable, of each person providing guardian-delegated financial or personal guardianship services for wards.

(e) Documentation that the bonding and educational requirements of s. 744.1085 have been met, and that background screening has been conducted pursuant to s. 744.3135. *Compliance with this section shall constitute compliance with the attestation requirement of s. 435.04(5).*

(f) *Sufficient information to distinguish a guardian providing guardianship services as a public guardian, individually, through partnership, corporation, or any other business organization.*

(4) ~~The Department of Elderly Affairs Statewide Public Guardianship Office~~ may adopt rules necessary to administer this section.

(5) A trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state, may, but shall not be required to, register as a professional guardian under this section. If a trust company, state banking corporation, state savings association, national banking association, or federal savings and loan association described in this subsection elects to register as a professional guardian under this subsection, the requirements of subsection (3) shall not apply and the registration shall include only the name, address, and employer identification number of the registrant, the name and address of its registered agent, if any, and the documentation described in paragraph (3)(e).

(6) *The Department of Elderly Affairs may contract with the Florida Guardianship Foundation or other not-for-profit entity to register professional guardians.*

(7) *The department or its contractor shall ensure that the clerks of the court and the Chief Judge of each judicial circuit receive information about each registered professional guardian.*

(8) *A state college or university or an independent college or university as described pursuant to s. 1009.98(3)(a), may, but shall not be required to, register as a professional guardian under this section. If a state college or university or independent college or university elects to register as a professional guardian under this subsection, the requirements of subsection (3) shall not apply and the registration shall include only the name, address, and employer identification number of the registrant.*

Section 9. Subsection (3) of section 744.1085, Florida Statutes, is amended and subsections (4) through (10) are added to said section to read:

744.1085 Regulation of professional guardians; application; bond required; educational requirements.—

(3) Each professional guardian defined in s. 744.102(15) ~~and public guardian, on October 1, 1997,~~ must receive a minimum of 40 hours of instruction and training ~~by October 1, 1998, or within 1 year after becoming a professional guardian, whichever occurs later.~~ Each professional guardian must receive a minimum of 16 hours of continuing education every 2 calendar years after the year in which the initial 40-hour educational requirement is met. The instruction and education must be completed through a course approved or offered by the Statewide Public Guardianship Office. The expenses incurred to satisfy the

educational requirements prescribed in this section may not be paid with the assets of any ward. This subsection does not apply to any attorney who is licensed to practice law in this state.

(4) *Each professional guardian must allow, at the guardian's expense, an investigation of the guardian's credit history, and the credit history of employees of the guardian, in a manner prescribed by the Department of Elderly Affairs.*

(5) *As required in s. 744.3135, each professional guardian shall allow a level 2 background screening of the guardian and employees of the guardian in accordance with the provisions of s. 435.04.*

(6) *After July 1, 2005, each professional guardian shall be required to demonstrate competency to act as a professional guardian by taking an examination approved by the Department of Elderly Affairs.*

(a) *The Department of Elderly Affairs shall determine the minimum examination score necessary for passage of guardianship examinations.*

(b) *The Department of Elderly Affairs shall determine the procedure for administration of the examination.*

(c) *The Department of Elderly Affairs or its contractor shall charge an examination fee for the actual costs of the development and the administration of the examination, not to exceed \$500.*

(d) *The Department of Elderly Affairs may recognize passage of a national guardianship examination in lieu of all or part of the examination approved by the Department of Elderly Affairs, except that all professional guardians must take and pass an approved examination section related to Florida law and procedure.*

(7) *The Department of Elderly Affairs shall set the minimum score necessary to demonstrate professional guardianship competency.*

(8) *The Department of Elderly Affairs shall waive the examination requirement in paragraph (6) if a professional guardian can provide:*

(a) *Proof that the guardian has actively acted as a professional guardian for 5 years or more; and*

(b) *A letter from a circuit judge before whom the professional guardian practiced at least 1 year which states that the professional guardian had demonstrated to the court competency as a professional guardian.*

(9) *After July 1, 2004, the court shall not appoint any professional guardian who has not met the requirements of this section and s. 744.1083.*

(10) *This section does not apply to a professional guardian or the employees of that professional guardian when that guardian is a trust company, a state banking corporation, state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state.*

Section 10. Section 744.3135, Florida Statutes, is amended to read:

744.3135 Credit and criminal investigation.—The court may require a nonprofessional guardian and shall require a professional or public guardian, and all employees of a professional guardian who have a fiduciary responsibility to a ward, to submit, at their own expense, to an investigation of the guardian's credit history and to undergo level 2 background screening as required under s. 435.04. The clerk of the court shall obtain fingerprint cards from the Federal Bureau of Investigation and make them available to guardians. Any guardian who is so required shall have his or her fingerprints taken and forward the proper fingerprint card along with the necessary fee to the Florida Department of Law Enforcement for processing. The professional guardian shall pay to the clerk of the court a fee of \$5 for handling and processing professional guardian files. The results of the fingerprint checks shall be forwarded to the clerk of court who shall maintain the results in a guardian file and shall make the results available to the court. If credit or criminal investigations are required, the court must consider the results of the investigations in appointing a guardian. *Professional* guardians and all employees of a professional guardian who have a fiduciary responsibility to a ward, so appointed, must resubmit, at their own expense, to an investigation of credit history, and undergo level 1 background screening as

required under s. 435.03, *at least* every 2 years after the date of their appointment. *At any time, the court may require guardians or their employees to submit to an investigation of credit history and undergo level 1 background screening as required under s. 435.03.* The court must consider the results of these investigations in reappointing a guardian. This section shall not apply to a professional guardian, or to the employees of a professional guardian, that is a trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state.

Section 11. Section 744.3145, Florida Statutes, is amended to read:

744.3145 Guardian education requirements.—

(1) Each ward is entitled to a guardian competent to perform the duties of a guardian necessary to protect the interests of the ward.

(2) Each person appointed by the court to be a guardian, *other than a parent who is the guardian of the property of a minor child*, must receive a minimum of 8 hours of instruction and training which covers:

(a) The legal duties and responsibilities of the guardian;

(b) The rights of the ward;

(c) The availability of local resources to aid the ward; and

(d) The preparation of habilitation plans and annual guardianship reports, including financial accounting for the ward's property.

(3) *Each person appointed by the court to be the guardian of the property of his or her minor child must receive a minimum of 4 hours of instruction and training that covers:*

(a) *The legal duties and responsibilities of the guardian of the property;*

(b) *The preparation of the initial inventory and annual guardianship accountings for the ward's property; and*

(c) *Use of guardianship assets.*

(4)(3) Each person appointed by the court to be a guardian must complete the *required number of 8* hours of instruction and education within 1 year after his or her appointment as guardian. The instruction and education must be completed through a course approved by the chief judge of the circuit court and taught by a court-approved organization. Court-approved organizations may include, but are not limited to, community or junior colleges, guardianship organizations, and the local bar association or The Florida Bar.

(5)(4) Expenses incurred by the guardian to satisfy the education requirement may be paid from the ward's estate, unless the court directs that such expenses be paid by the guardian individually.

(6)(5) The court may, in its discretion, waive some or all of the requirements of this section or impose additional requirements. The court shall make its decision on a case-by-case basis and, in making its decision, shall consider the experience and education of the guardian, the duties assigned to the guardian, and the needs of the ward.

(7)(6) The provisions of this section do not apply to professional guardians.

Section 12. Subsection (13) of section 744.444, Florida Statutes, is amended, and subsections (16) and (17) are added to said section to read:

744.444 Power of guardian without court approval.—Without obtaining court approval, a plenary guardian of the property, or a limited guardian of the property within the powers granted by the order appointing the guardian or an approved annual or amended guardianship report, may:

(13) When reasonably necessary, employ persons, including attorneys, auditors, investment advisers, *care managers*, or agents, even if they are associated with the guardian, to advise or assist the guardian in the performance of his or her duties.

(16) *Pay or reimburse costs incurred and reasonable fees or compensation to persons, including attorneys, employed by the guardian pursuant to subsection (13) from the assets of the guardianship estate, subject to obtaining court approval of the annual accounting.*

(17) *Provide confidential information about a ward that is related to an investigation arising under part I of chapter 400 to a local or state ombudsman council member conducting such an investigation. Any such ombudsman shall have a duty to maintain the confidentiality of such information.*

Section 13. Paragraph (c) of subsection (2) of section 744.534, Florida Statutes, is amended to read:

744.534 Disposition of unclaimed funds held by guardian.—

(2)

(c) Within 5 years from the date of deposit with the State Treasurer, on written petition to the court that directed the deposit of the funds and informal notice to the Department of Legal Affairs, and after proof of his or her right to them, any person entitled to the funds, before or after payment to the State Treasurer and deposit as provided for in paragraph (a), may obtain a court order directing the payment of the funds to him or her. All funds deposited with the State Treasurer and not claimed within 5 years from the date of deposit shall escheat to the state to be deposited in the Department of Elderly Affairs Administrative Trust Fund to be used solely for the benefit of public guardianship as determined by the *Secretary of Elderly Affairs Statewide Public Guardianship Office established in part IX of this chapter.*

Section 14. Section 744.7021, Florida Statutes, is amended to read:

744.7021 Statewide Public Guardianship Office.—There is hereby created the Statewide Public Guardianship Office within the Department of Elderly Affairs. ~~The Department of Elderly Affairs shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The Statewide Public Guardianship Office may request the assistance of the Inspector General of the Department of Elderly Affairs in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the Statewide Public Guardianship Office. The Statewide Public Guardianship Office shall not be subject to control, supervision, or direction by the Department of Elderly Affairs in the performance of its duties.~~

(1) ~~The Secretary of Elderly Affairs shall appoint the executive director, who shall be the head of the Statewide Public Guardianship Office is the executive director, who shall be appointed by the Governor. The executive director must be a member of The Florida Bar, knowledgeable of licensed attorney with a background in guardianship law and knowledge of the social services available to meet the needs of incapacitated persons, shall serve on a full-time basis, and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Public Guardianship Office in accordance with state and federal law. The executive director shall serve at the pleasure of and report to the Secretary Governor.~~

(2) ~~The executive director Statewide Public Guardianship Office shall, within available resources, have oversight responsibilities for all public guardians.~~

(a) The executive director ~~office~~ shall review the current public guardian programs in Florida and other states.

(b) The executive director ~~office~~, in consultation with local guardianship offices, shall develop statewide performance measures and standards.

(c) The executive director ~~office~~ shall review the various methods of funding guardianship programs, the kinds of services being provided by such programs, and the demographics of the wards. In addition, the executive director ~~office~~ shall review and make recommendations regarding the feasibility of recovering a portion or all of the costs of providing public guardianship services from the assets or income of the wards.

(d) ~~No later than October 1, 2000, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of~~

~~Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2001, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed public guardianship plan including alternatives for meeting the state's guardianship needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. By January 1, 2004, and by January 1 of each year thereafter, the executive director office shall provide a status report and provide further recommendations to the Secretary that address the need for public guardianship services and related issues.~~

(e) The executive director ~~office~~ may provide assistance to local governments or entities in pursuing grant opportunities. The executive director ~~office~~ shall review and make recommendations in the annual report on the availability and efficacy of seeking Medicaid matching funds. The executive director ~~office~~ shall diligently seek ways to use existing programs and services to meet the needs of public wards.

(f) ~~The executive director, in consultation with the Florida Guardianship Foundation, office shall develop a guardianship training program curriculum that. The training program may be offered to all guardians whether public or private. The office shall establish a curriculum committee to develop the training program specified in this part. The curriculum committee shall include, but not be limited to, probate judges. A fee may be charged to private guardians in order to defray the cost of providing the training. In addition, a fee may be charged to any training provider for up to the actual cost of the review and approval of their curriculum. Any fees collected pursuant to this paragraph shall be deposited in the Department of Elderly Affairs Administrative Trust Fund to be used for the guardianship training program.~~

(3) The executive director ~~office~~ may conduct or contract for demonstration projects *authorized by the Department of Elderly Affairs*, within funds appropriated or through gifts, grants, or contributions for such purposes, to determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights of persons of marginal or diminished capacity. Any gifts, grants, or contributions for such purposes shall be deposited in the Department of Elderly Affairs Administrative Trust Fund.

(4) The Department of Elderly Affairs ~~office~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out the provisions of this section.

Section 15. Subsections (1) and (3) of section 744.704, Florida Statutes, are amended to read:

744.704 Powers and duties.—

(1) A public guardian may serve as a guardian of a person adjudicated incapacitated under this chapter:

(a) if there is no family member or friend, other person, bank, or corporation willing and qualified to serve as guardian; ~~and~~

(b) ~~If the assets of the ward do not exceed the asset level for Medicaid eligibility, exclusive of homestead and exempt property as defined in s. 4, Art. X of the State Constitution, and the ward's income, from all sources, is less than \$4,000 per year. Income from public welfare programs, supplemental security income, optional state supplement, a disability pension, or a social security pension shall be excluded in such computation. However, a ward whose total income, counting excludable income, exceeds \$30,000 a year may not be served.~~

(3) *The public guardian shall primarily serve incapacitated persons who are of limited financial means, as defined by contract or rule of the Department of Elderly Affairs. The public guardian may serve incapacitated persons of greater financial means to the extent the Department of Elderly Affairs determines to be appropriate. If the public guardian finds that the assets or the income of the ward exceeds the amounts set forth in paragraph (1)(b), the public guardian shall submit a resignation and petition the court for appointment of a successor guardian. The public guardian shall not be dismissed until such time that a private guardian is appointed. If a qualified successor guardian is not available, the public*

~~guardian may remain as guardian, provided the guardian makes reasonable efforts to find a successor and reports to the court every 6 months on efforts to obtain a successor.~~

Section 16. (1) *There is created within the Department of Elderly Affairs a Guardianship Task Force for the purpose of examining guardianship and incapacity and making recommendations to the Governor and the Legislature for the improvement of processes and procedures related to guardianship and incapacity. The department shall staff the task force, and the Secretary of Elderly Affairs shall appoint the chair from among the task force membership. The members of the task force shall serve without compensation. Unless specified otherwise, task force members' shall be appointed by the organizations they represent, and the cost of members' participation shall be borne by their appointing organization. Any member who is a public employee is entitled to reimbursement for per diem and travel expenses by the appointing department.*

(2) *The Guardianship Task Force shall identify the characteristics of Florida guardianship practice. It shall also identify best practices and recommend specific statutory and other changes for achieving such best practices and for achieving citizen access to quality guardianship services. The task force shall make a preliminary report to the Secretary of Elderly Affairs no later than January 1, 2004, and its final report to the secretary shall be made no later than January 1, 2005.*

(3) *The Guardianship Task Force shall consist of ten members, including a judge with experience in guardianship proceedings who is appointed by the Florida Conference of Circuit Judges, a representative of the Association of Clerks of Court, a professor of law with experience in elder issues appointed by the Secretary of Elderly Affairs, a representative of the Florida State Guardianship Association, a representative of the Florida Guardianship Foundation, a representative of the Real Property and Probate Section of The Florida Bar, a representative of the Elder Law Section of The Florida Bar, a professional as provided in s. 744.331(3), with experience performing examinations and determining incapacity, a representative of the Florida Banker's Association, and a citizen or consumer appointed by the Executive Director of the Florida office of the American Association of Retired Persons.*

(4) *The Guardianship Task Force may appoint ex officio members who possess needed expertise to assist the task force in its work. The task force will cease to exist May 6, 2005.*

Section 17. *Notwithstanding the provisions of section 64 of chapter 95-228, Laws of Florida, the provisions of chapter 435, Florida Statutes, as created therein and as subsequently amended, and any reference thereto, shall apply to all offenses regardless of the date on which offenses referenced in chapter 435, Florida Statutes, were committed, unless specifically provided otherwise in a provision other than section 64 of chapter 95-228, Laws of Florida.*

Section 18. Subsection (12) is added to section 400.071, Florida Statutes, to read:

400.071 Application for license.—

(12) *The applicant must provide the agency with proof of a legal right to occupy the property before a license may be issued. Proof may include, but is not limited to, copies of warranty deeds, lease or rental agreements, contracts for deeds, or quitclaim deeds.*

Section 19. Subsection (1) of section 400.414, Florida Statutes, is amended to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The agency may deny, revoke, or suspend any license issued under this part, or impose an administrative fine in the manner provided in chapter 120, for any of the following actions by an assisted living facility, for the actions of any person subject to level 2 background screening under s. 400.4174, or for the actions of any facility employee:

(a) An intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(b) The determination by the agency that the owner lacks the financial ability to provide continuing adequate care to residents.

(c) Misappropriation or conversion of the property of a resident of the facility.

(d) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a facility resident.

(e) A citation of any of the following deficiencies as defined in s. 400.419:

1. One or more cited class I deficiencies.

2. Three or more cited class II deficiencies.

3. ~~Five or more cited class III deficiencies that have been cited on a single survey and have not been corrected within the times specified One or more class I, three or more class II, or five or more repeated or recurring identical or similar class III violations that are similar or identical to violations which were identified by the agency within the last 2 years.~~

(f) A determination that a person subject to level 2 background screening under s. 400.4174(1) does not meet the screening standards of s. 435.04 or that the facility is retaining an employee subject to level 1 background screening standards under s. 400.4174(2) who does not meet the screening standards of s. 435.03 and for whom exemptions from disqualification have not been provided by the agency.

(g) A determination that an employee, volunteer, administrator, or owner, or person who otherwise has access to the residents of a facility does not meet the criteria specified in s. 435.03(2), and the owner or administrator has not taken action to remove the person. Exemptions from disqualification may be granted as set forth in s. 435.07. No administrative action may be taken against the facility if the person is granted an exemption.

(h) Violation of a moratorium.

(i) Failure of the license applicant, the licensee during relicensure, or a licensee that holds a provisional license to meet the minimum license requirements of this part, or related rules, at the time of license application or renewal.

(j) A fraudulent statement or omission of any material fact on an application for a license or any other document required by the agency, including the submission of a license application that conceals the fact that any board member, officer, or person owning 5 percent or more of the facility may not meet the background screening requirements of s. 400.4174, or that the applicant has been excluded, permanently suspended, or terminated from the Medicaid or Medicare programs.

(k) An intentional or negligent life-threatening act in violation of the uniform firesafety standards for assisted living facilities or other firesafety standards that threatens the health, safety, or welfare of a resident of a facility, as communicated to the agency by the local authority having jurisdiction or the State Fire Marshal.

(l) Exclusion, permanent suspension, or termination from the Medicare or Medicaid programs.

(m) Knowingly operating any unlicensed facility or providing without a license any service that must be licensed under this chapter.

(n) Any act constituting a ground upon which application for a license may be denied.

Administrative proceedings challenging agency action under this subsection shall be reviewed on the basis of the facts and conditions that resulted in the agency action.

Section 20. Subsection (1) of section 400.417, Florida Statutes, is amended to read:

400.417 Expiration of license; renewal; conditional license.—

(1) Biennial licenses, unless sooner suspended or revoked, shall expire 2 years from the date of issuance. Limited nursing, extended congregate care, and limited mental health licenses shall expire at the same time as the facility's standard license, regardless of when issued. The agency shall notify the facility ~~by certified mail~~ at least 120 days prior



to expiration that a renewal license is necessary to continue operation. *The notification must be provided electronically or by mail delivery.* Ninety days prior to the expiration date, an application for renewal shall be submitted to the agency. Fees must be prorated. The failure to file a timely renewal application shall result in a late fee charged to the facility in an amount equal to 50 percent of the current fee.

Section 21. Section 400.419, Florida Statutes, is amended to read:

400.419 Violations; imposition of administrative fines; grounds.—

(1) *The agency shall impose an administrative fine in the manner provided in chapter 120 for any of the actions or violations as set forth within this section by an assisted living facility, for the actions of any person subject to level 2 background screening under s. 400.4174, for the actions of any facility employee, or for an intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.*

(2)(1) Each violation of this part and adopted rules shall be classified according to the nature of the violation and the gravity of its probable effect on facility residents. The agency shall indicate the classification on the written notice of the violation as follows:

(a) Class “I” violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction. *The agency shall impose an administrative fine for a cited class I violation is subject to an administrative fine in an amount not less than \$5,000 and not exceeding \$10,000 for each violation. A fine may be levied notwithstanding the correction of the violation.*

(b) Class “II” violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the facility residents, other than class I violations. *The agency shall impose an administrative fine for a cited class II violation is subject to an administrative fine in an amount not less than \$1,000 and not exceeding \$5,000 for each violation. A fine shall be levied notwithstanding the correction of the violation. A citation for a class II violation must specify the time within which the violation is required to be corrected.*

(c) Class “III” violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of facility residents, other than class I or class II violations. *The agency shall impose an administrative fine for a cited class III violation in an amount is subject to an administrative fine of not less than \$500 and not exceeding \$1,000 for each violation. A citation for a class III violation must specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.*

(d) Class “IV” violations are those conditions or occurrences related to the operation and maintenance of a building or to required reports, forms, or documents that do not have the potential of negatively affecting residents. These violations are of a type that the agency determines do not threaten the health, safety, or security of residents of the facility. *The agency shall impose an administrative fine for a cited class IV violation in an amount A facility that does not correct a class IV violation within the time specified in the agency approved corrective action plan is subject to an administrative fine of not less than \$100 and not exceeding nor more than \$200 for each violation. A citation for a class IV violation must specify the time within which the violation is required to be corrected. If a class IV violation is corrected within the time specified, no fine shall be imposed. Any class IV violation that is corrected during the time an agency survey is being conducted will be identified as an agency finding and not as a violation.*

(3)(2) In determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

(b) Actions taken by the owner or administrator to correct violations.

(c) Any previous violations.

(d) The financial benefit to the facility of committing or continuing the violation.

(e) The licensed capacity of the facility.

(4)(3) Each day of continuing violation after the date fixed for termination of the violation, as ordered by the agency, constitutes an additional, separate, and distinct violation.

(5)(4) Any action taken to correct a violation shall be documented in writing by the owner or administrator of the facility and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated facility, revoke or deny a facility's license when a facility administrator fraudulently misrepresents action taken to correct a violation.

(6)(5) For fines that are upheld following administrative or judicial review, the violator shall pay the fine, plus interest at the rate as specified in s. 55.03, for each day beyond the date set by the agency for payment of the fine.

(7)(6) Any unlicensed facility that continues to operate after agency notification is subject to a \$1,000 fine per day.

(8)(7) Any licensed facility whose owner or administrator concurrently operates an unlicensed facility shall be subject to an administrative fine of \$5,000 per day.

(9)(8) Any facility whose owner fails to apply for a change-of-ownership license in accordance with s. 400.412 and operates the facility under the new ownership is subject to a fine of \$5,000.

(10)(9) In addition to any administrative fines imposed, the agency may assess a survey fee, equal to the lesser of one half of the facility's biennial license and bed fee or \$500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or monitoring visits conducted under s. 400.428(3)(c) to verify the correction of the violations.

(11)(10) The agency, as an alternative to or in conjunction with an administrative action against a facility for violations of this part and adopted rules, shall make a reasonable attempt to discuss each violation and recommended corrective action with the owner or administrator of the facility, prior to written notification. The agency, instead of fixing a period within which the facility shall enter into compliance with standards, may request a plan of corrective action from the facility which demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the agency.

(12)(11) Administrative fines paid by any facility under this section shall be deposited into the Health Care Trust Fund and expended as provided in s. 400.418.

(13)(12) The agency shall develop and disseminate an annual list of all facilities sanctioned or fined \$5,000 or more for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and Family Services, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and Family Services shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list.

Section 22. Subsections (1) and (2) of section 400.0239, Florida Statutes, are amended to read:



400.0239 Quality of Long-Term Care Facility Improvement Trust Fund.—

(1) There is created within the Agency for Health Care Administration a Quality of Long-Term Care Facility Improvement Trust Fund to support activities and programs directly related to improvement of the care of nursing home and assisted living facility residents. The trust fund shall be funded through proceeds generated pursuant to ss. 400.0238 and 400.4298, through funds specifically appropriated by the Legislature, ~~and~~ through gifts, endowments, and other charitable contributions allowed under federal and state law, *and through federal nursing home civil monetary penalties collected by the Centers for Medicare and Medicaid Services and returned to the state. These funds must be utilized in accordance with federal requirements.*

(2) Expenditures from the trust fund shall be allowable for direct support of the following:

(a) Development and operation of a mentoring program, in consultation with the Department of Health and the Department of Elderly Affairs, for increasing the competence, professionalism, and career preparation of long-term care facility direct care staff, including nurses, nursing assistants, and social service and dietary personnel.

(b) Development and implementation of specialized training programs for long-term care facility personnel who provide direct care for residents with Alzheimer's disease and other dementias, residents at risk of developing pressure sores, and residents with special nutrition and hydration needs.

(c) *Addressing areas of deficient practice identified through regulation or state monitoring.*

(d)(e) Provision of economic and other incentives to enhance the stability and career development of the nursing home direct care workforce, including paid sabbaticals for exemplary direct care career staff to visit facilities throughout the state to train and motivate younger workers to commit to careers in long-term care.

(e)(d) Promotion and support for the formation and active involvement of resident and family councils in the improvement of nursing home care.

(f) *Evaluation of special residents' needs in long-term care facilities, including challenges in meeting special residents' needs, appropriateness of placement and setting, and cited deficiencies related to caring for special needs.*

(g) *Other initiatives authorized by the Centers for Medicare and Medicaid Services for the use of federal civil monetary penalties, including projects recommended through the Medicaid "Up-or-Out" Quality of Care Contract Management Program pursuant to s. 400.148.*

Section 23. Subsection (15) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(15) Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff-to-resident ratios, staff turnover, and staff stability, including information regarding certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:

(a) Staff-to-resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.

(b) Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed quarterly, with the annual rate being the cumulative sum of the quarterly rates. The turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.

(c) The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.

(d) A nursing facility that has failed to comply with state minimum-staffing requirements for 2 consecutive days is prohibited from accepting new admissions until the facility has achieved the minimum-staffing requirements for a period of 6 consecutive days. For the purposes of this paragraph, any person who was a resident of the facility and was absent from the facility for the purpose of receiving medical care at a separate location or was on a leave of absence is not considered a new admission. Failure to impose such an admissions moratorium constitutes a class II deficiency.

(e) *A nursing facility which does not have a conditional license may be cited for failure to comply with the standards in s. 400.23(3)(a) only if it has failed to meet those standards on 2 consecutive days or if it has failed to meet at least 97 percent of those standards on any one day.*

(f) *A facility which has a conditional license must be in compliance with the standards in s. 400.23(3)(a) at all times.*

*Nothing in this section shall limit the agency's ability to impose a deficiency or take other actions if a facility does not have enough staff to meet the residents' needs.*

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of their program.

Section 24. Paragraph (b) of subsection (5) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(5) Facilities must meet the following additional criteria for recognition as a Gold Seal Program facility:

(b) Evidence financial soundness and stability according to standards adopted by the agency in administrative rule. *Such standards must include, but not be limited to, criteria for the use of financial statements that are prepared in accordance with generally accepted accounting principles and that are reviewed or audited by certified public accountants.*

A facility assigned a conditional licensure status may not qualify for consideration for the Gold Seal Program until after it has operated for 30 months with no class I or class II deficiencies and has completed a regularly scheduled relicensure survey.

Section 25. Subsections (1), (2), (7), (8), and (9) of section 400.452, Florida Statutes, are amended to read:

400.452 Staff training and educational programs; core educational requirement.—

(1) The department shall ~~ensure that provide, or cause to be provided, training and educational programs for the administrators and other assisted living facility staff have met training and education requirements that to better~~ enable them to appropriately respond to the needs of residents, to maintain resident care and facility standards, and to meet licensure requirements.

(2) The department shall ~~also~~ establish a core educational requirement ~~to be used in these programs~~. Successful completion of the core educational requirement must include successful completion of a competency test. ~~Programs must be provided by the department or by a provider approved by the department at least quarterly.~~ The core educational requirement must cover at least the following topics:

(a) State law and rules relating to assisted living facilities.

(b) Resident rights and identifying and reporting abuse, neglect, and exploitation.

(c) Special needs of elderly persons, persons with mental illness, and persons with developmental disabilities and how to meet those needs.

(d) Nutrition and food service, including acceptable sanitation practices for preparing, storing, and serving food.

(e) Medication management, recordkeeping, and proper techniques for assisting residents with self-administered medication.

(f) Firesafety requirements, including fire evacuation drill procedures and other emergency procedures.

(g) Care of persons with Alzheimer's disease and related disorders.

~~(7) A facility that does not have any residents who receive monthly optional supplementation payments must pay a reasonable fee for such training and education programs. A facility that has one or more such residents shall pay a reduced fee that is proportional to the percentage of such residents in the facility. Any facility more than 90 percent of whose residents receive monthly optional state supplementation payments is not required to pay for the training and continuing education programs required under this section.~~

(7)(8) If the department or the agency determines that there are problems in a facility that could be reduced through specific staff training or education beyond that already required under this section, the department or the agency may require, and provide, or cause to be provided, the training or education of any personal care staff in the facility.

(8)(9) The department shall adopt rules to establish training programs, standards and curriculum for training, staff training requirements, procedures for approving training programs, and training fees.

Section 26. Subsections (7), (8), and (9) are added to section 430.502, Florida Statutes, to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.—

(7) *The Agency for Health Care Administration and the department shall seek a federal waiver to implement a Medicaid home and community-based waiver targeted to persons with Alzheimer's disease to test the effectiveness of Alzheimer's specific interventions to delay or to avoid institutional placement.*

(8) *The department will implement the waiver program specified in subsection (7). The agency and the department shall ensure that providers are selected that have a history of successfully serving persons with Alzheimer's disease. The department and the agency shall develop specialized standards for providers and services tailored to persons in the early, middle, and late stages of Alzheimer's disease and designate a level of care determination process and standard that is most appropriate to this population. The department and the agency shall include in the waiver services designed to assist the caregiver in continuing to provide in-home care. The department shall implement this waiver program subject to a specific appropriation or as provided in the General Appropriations Act. The department and the agency shall submit their program design to the President of the Senate and the Speaker of the House of Representatives for consultation during the development process.*

(9) *Authority to continue the waiver program specified in subsection (7) shall be automatically eliminated at the close of the 2008 Regular Session of the Legislature unless further legislative action is taken to continue it prior to such time.*

Section 27. Subsection (1) of section 400.557, Florida Statutes, is amended to read:

400.557 Expiration of license; renewal; conditional license or permit.—

(1) A license issued for the operation of an adult day care center, unless sooner suspended or revoked, expires 2 years after the date of issuance. The agency shall notify a licensee ~~by certified mail, return receipt requested,~~ at least 120 days before the expiration date that license renewal is required to continue operation. *The notification must be provided electronically or by mail delivery.* At least 90 days prior to the expiration date, an application for renewal must be submitted to the agency. A license shall be renewed, upon the filing of an application on forms furnished by the agency, if the applicant has first met the requirements of this part and of the rules adopted under this part. The applicant must file with the application satisfactory proof of financial ability

to operate the center in accordance with the requirements of this part and in accordance with the needs of the participants to be served and an affidavit of compliance with the background screening requirements of s. 400.5572.

Section 28. Subsection (3) of section 400.619, Florida Statutes, is amended to read:

400.619 Licensure application and renewal.—

(3) *The agency shall notify a licensee at least 120 days before the expiration date that license renewal is required to continue operation. The notification must be provided electronically or by mail delivery. Application for a license or annual license renewal must be made on a form provided by the agency, signed under oath, and must be accompanied by a licensing fee of \$100 per year.*

Section 29. Subsection (4) of section 400.980, Florida Statutes, is reenacted and amended to read:

400.980 Health care services pools.—

(4) *Each applicant for registration must comply with the following requirements:*

(a) *Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 1 standards for screening set forth in chapter 435, of every individual who will have contact with patients. The agency shall require background screening of the managing employee or other similarly titled individual who is responsible for the operation of the entity, and of the financial officer or other similarly titled individual who is responsible for the financial operation of the entity, including billings for services in accordance with the level 2 standards for background screening as set forth in chapter 435.*

(b) *The agency may require background screening of any other individual who is affiliated with the applicant if the agency has a reasonable basis for believing that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.*

(c) *Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraph (a).*

(d) *A provisional registration may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard registration may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and if a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.*

(e) *Each applicant must submit to the agency, with its application, a description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from the Medicare or Medicaid programs. Proof of compliance with the requirements for disclosure of ownership and controlling interests under the Medicaid or Medicare programs may be accepted in lieu of this submission.*

(f) *Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 which was committed by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization who serves solely in a*

*voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation's or organization's board of directors, and has no financial interest and no family members having a financial interest in the corporation or organization, if the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.*

(g) *A registration may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.*

~~(h) The provisions of this section which require an applicant for registration to undergo background screening shall stand repealed on June 30, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.~~

~~(h)(i)~~ *Failure to provide all required documentation within 30 days after a written request from the agency will result in denial of the application for registration.*

~~(i)(j)~~ *The agency must take final action on an application for registration within 60 days after receipt of all required documentation.*

~~(j)(k)~~ *The agency may deny, revoke, or suspend the registration of any applicant or registrant who:*

- 1. Has falsely represented a material fact in the application required by paragraph (e) or paragraph (f), or has omitted any material fact from the application required by paragraph (e) or paragraph (f); or*
- 2. Has had prior action taken against the applicant under the Medicaid or Medicare program as set forth in paragraph (e).*
- 3. Fails to comply with this section or applicable rules.*
- 4. Commits an intentional, reckless, or negligent act that materially affects the health or safety of a person receiving services.*

Section 30. Section 408.061, Florida Statutes, is amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidential information; immunity.—

(1) The agency may require the submission by health care facilities, health care providers, and health insurers of data necessary to carry out the agency's duties. Specifications for data to be collected under this section shall be developed by the agency with the assistance of technical advisory panels including representatives of affected entities, consumers, purchasers, and such other interested parties as may be determined by the agency.

(a) Data to be submitted by health care facilities may include, but are not limited to: case-mix data, patient admission or discharge data with patient and provider-specific identifiers included, actual charge data by diagnostic groups, financial data, accounting data, operating expenses, expenses incurred for rendering services to patients who cannot or do not pay, interest charges, depreciation expenses based on the expected useful life of the property and equipment involved, and demographic data. Data may be obtained from documents such as, but not limited to: leases, contracts, debt instruments, itemized patient bills, medical record abstracts, and related diagnostic information.

(b) Data to be submitted by health care providers may include, but are not limited to: Medicare and Medicaid participation, types of services offered to patients, amount of revenue and expenses of the health care provider, and such other data which are reasonably necessary to study utilization patterns.

(c) Data to be submitted by health insurers may include, but are not limited to: claims, premium, administration, and financial information.

(d) Data required to be submitted by health care facilities, health care providers, or health insurers shall not include specific provider

contract reimbursement information. However, such specific provider reimbursement data shall be reasonably available for onsite inspection by the agency as is necessary to carry out the agency's regulatory duties. Any such data obtained by the agency as a result of onsite inspections may not be used by the state for purposes of direct provider contracting and are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) A requirement to submit data shall be adopted by rule if the submission of data is being required of all members of any type of health care facility, health care provider, or health insurer. Rules are not required, however, for the submission of data for a special study mandated by the Legislature or when information is being requested for a single health care facility, health care provider, or health insurer.

(2) The agency shall, by rule, after consulting with appropriate professional and governmental advisory bodies and holding public hearings and considering existing and proposed systems of accounting and reporting utilized by health care facilities, specify a uniform system of financial reporting for each type of facility based on a uniform chart of accounts developed after considering any chart of accounts developed by the national association for such facilities and generally accepted accounting principles. Such systems shall, to the extent feasible, use existing accounting systems and shall minimize the paperwork required of facilities. This provision shall not be construed to authorize the agency to require health care facilities to adopt a uniform accounting system. As a part of such uniform system of financial reporting, the agency may require the filing of any information relating to the cost to the provider and the charge to the consumer of any service provided in such facility, except the cost of a physician's services which is billed independently of the facility.

(3) When more than one licensed facility is operated by the reporting organization, the information required by this section shall be reported for each facility separately.

~~(4)(a)~~ Within 120 days after the end of its fiscal year, each health care facility, *excluding continuing care facilities and nursing homes as defined in s. 408.07(14) and (36), shall file with the agency, on forms adopted by the agency and based on the uniform system of financial reporting, its actual financial experience for that fiscal year, including expenditures, revenues, and statistical measures. Such data may be based on internal financial reports which are certified to be complete and accurate by the provider. However, hospitals' actual financial experience shall be their audited actual experience. Nursing homes that do not participate in the Medicare or Medicaid programs shall also submit audited actual experience.* Every nursing home shall submit to the agency, in a format designated by the agency, a statistical profile of the nursing home residents. The agency, in conjunction with the Department of Elderly Affairs and the Department of Health, shall review these statistical profiles and develop recommendations for the types of residents who might more appropriately be placed in their homes or other noninstitutional settings.

~~(b) Each nursing home shall also submit a schedule of the charges in effect at the beginning of the fiscal year and any changes that were made during the fiscal year. A nursing home which is certified under Title XIX of the Social Security Act and files annual Medicaid cost reports may substitute copies of such reports and any Medicaid audits to the agency in lieu of a report and audit required under this subsection. For such facilities, the agency may require only information in compliance with this chapter that is not contained in the Medicaid cost report. Facilities that are certified under Title XVIII, but not Title XIX, of the Social Security Act must submit a report as developed by the agency. This report shall be substantially the same as the Medicaid cost report and shall not require any more information than is contained in the Medicare cost report unless that information is required of all nursing homes. The audit under Title XVIII shall satisfy the audit requirement under this subsection.~~

(5) In addition to information submitted in accordance with subsection (4), each nursing home shall track and file with the agency, on a form adopted by the agency, data related to each resident's admission, discharge, or conversion to Medicaid; health and functional status; plan of care; and other information pertinent to the resident's placement in a nursing home.

~~(6) Any nursing home which assesses residents a separate charge for personal laundry services shall submit to the agency data on the~~

~~monthly charge for such services, excluding drycleaning. For facilities that charge based on the amount of laundry, the most recent schedule of charges and the average monthly charge shall be submitted to the agency.~~

(6)(7) The agency may require other reports based on the uniform system of financial reporting necessary to accomplish the purposes of this chapter.

(7)(8) Portions of patient records obtained or generated by the agency containing the name, residence or business address, telephone number, social security or other identifying number, or photograph of any person or the spouse, relative, or guardian of such person, or any other identifying information which is patient-specific or otherwise identifies the patient, either directly or indirectly, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(8)(9) The identity of any health care provider, health care facility, or health insurer who submits any data which is proprietary business information to the agency pursuant to the provisions of this section shall remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. As used in this section, "proprietary business information" shall include, but not be limited to, information relating to specific provider contract reimbursement information; information relating to security measures, systems, or procedures; and information concerning bids or other contractual data, the disclosure of which would impair efforts to contract for goods or services on favorable terms or would injure the affected entity's ability to compete in the marketplace. Notwithstanding the provisions of this subsection, any information obtained or generated pursuant to the provisions of former s. 407.61, either by the former Health Care Cost Containment Board or by the Agency for Health Care Administration upon transfer to that agency of the duties and functions of the former Health Care Cost Containment Board, is not confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such proprietary business information may be used in published analyses and reports or otherwise made available for public disclosure in such manner as to preserve the confidentiality of the identity of the provider. This exemption shall not limit the use of any information used in conjunction with investigation or enforcement purposes under the provisions of s. 456.073.

(9)(10) No health care facility, health care provider, health insurer, or other reporting entity or its employees or agents shall be held liable for civil damages or subject to criminal penalties either for the reporting of patient data to the agency or for the release of such data by the agency as authorized by this chapter.

(10)(11) The agency shall be the primary source for collection and dissemination of health care data. No other agency of state government may gather data from a health care provider licensed or regulated under this chapter without first determining if the data is currently being collected by the agency and affirmatively demonstrating that it would be more cost-effective for an agency of state government other than the agency to gather the health care data. The director shall ensure that health care data collected by the divisions within the agency is coordinated. It is the express intent of the Legislature that all health care data be collected by a single source within the agency and that other divisions within the agency, and all other agencies of state government, obtain data for analysis, regulation, and public dissemination purposes from that single source. Confidential information may be released to other governmental entities or to parties contracting with the agency to perform agency duties or functions as needed in connection with the performance of the duties of the receiving entity. The receiving entity or party shall retain the confidentiality of such information as provided for herein.

(11)(12) The agency shall cooperate with local health councils and the state health planning agency with regard to health care data collection and dissemination and shall cooperate with state agencies in any efforts to establish an integrated health care database.

(12)(13) It is the policy of this state that philanthropic support for health care should be encouraged and expanded, especially in support of experimental and innovative efforts to improve the health care delivery system.

(13)(14) For purposes of determining reasonable costs of services furnished by health care facilities, unrestricted grants, gifts, and income from endowments shall not be deducted from any operating costs of such health care facilities, and, in addition, the following items shall not be deducted from any operating costs of such health care facilities:

(a) An unrestricted grant or gift, or income from such a grant or gift, which is not available for use as operating funds because of its designation by the health care facility's governing board.

(b) A grant or similar payment which is made by a governmental entity and which is not available, under the terms of the grant or payment, for use as operating funds.

(c) The sale or mortgage of any real estate or other capital assets of the health care facility which the health care facility acquired through a gift or grant and which is not available for use as operating funds under the terms of the gift or grant or because of its designation by the health care facility's governing board, except for recovery of the appropriate share of gains and losses realized from the disposal of depreciable assets.

Section 31. Section 408.062, Florida Statutes, is amended to read:

408.062 Research, analyses, studies, and reports.—

(1) The agency shall have the authority to conduct research, analyses, and studies relating to health care costs and access to and quality of health care services as access and quality are affected by changes in health care costs. Such research, analyses, and studies shall include, but not be limited to, research and analysis relating to:

(a) The financial status of any health care facility or facilities subject to the provisions of this chapter.

(b) The impact of uncompensated charity care on health care facilities and health care providers.

(c) The state's role in assisting to fund indigent care.

(d) The availability and affordability of health insurance for small businesses.

(e) Total health care expenditures in the state according to the sources of payment and the type of expenditure.

(f) The quality of health services, using techniques such as small area analysis, severity adjustments, and risk-adjusted mortality rates.

(g) The development of physician payment systems which are capable of taking into account the amount of resources consumed and the outcomes produced in the delivery of care.

(h) The impact of subacute admissions on hospital revenues and expenses for purposes of calculating adjusted admissions as defined in s. 408.07.

~~(2) The agency shall evaluate data from nursing home financial reports and shall document and monitor:~~

~~(a) Total revenues, annual change in revenues, and revenues by source and classification, including contributions for a resident's care from the resident's resources and from the family and contributions not directed toward any specific resident's care.~~

~~(b) Average resident charges by geographic region, payor, and type of facility ownership.~~

~~(c) Profit margins by geographic region and type of facility ownership.~~

~~(d) Amount of charity care provided by geographic region and type of facility ownership.~~

~~(e) Resident days by payor category.~~

~~(f) Experience related to Medicaid conversion as reported under s. 408.061.~~

~~(g) Other information pertaining to nursing home revenues and expenditures.~~

~~The findings of the agency shall be included in an annual report to the Governor and Legislature by January 1 each year.~~

(2)(3) The agency may assess annually the caesarean section rate in Florida hospitals using the analysis methodology that the agency determines most appropriate. To assist the agency in determining the impact of this chapter on Florida hospitals' caesarean section rates, each provider hospital, as defined in s. 383.336, shall notify the agency of the date of implementation of the practice parameters and the date of the first meeting of the hospital peer review board created pursuant to this chapter. The agency shall use these dates in monitoring any change in provider hospital caesarean section rates. An annual report based on this monitoring and assessment shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate by the agency, with the first annual report due January 1, 1993.

(3)(4) The agency may also prepare such summaries and compilations or other supplementary reports based on the information analyzed by the agency under this section, as will advance the purposes of this chapter.

(4)(5)(a) The agency may conduct data-based studies and evaluations and make recommendations to the Legislature and the Governor concerning exemptions, the effectiveness of limitations of referrals, restrictions on investment interests and compensation arrangements, and the effectiveness of public disclosure. Such analysis may include, but need not be limited to, utilization of services, cost of care, quality of care, and access to care. The agency may require the submission of data necessary to carry out this duty, which may include, but need not be limited to, data concerning ownership, Medicare and Medicaid, charity care, types of services offered to patients, revenues and expenses, patient-encounter data, and other data reasonably necessary to study utilization patterns and the impact of health care provider ownership interests in health-care-related entities on the cost, quality, and accessibility of health care.

(b) The agency may collect such data from any health facility as a special study.

Section 32. Subsection (2) of section 408.831, Florida Statutes, is renumbered as subsection (3) and a new subsection (2) is added to said section to read:

408.831 Denial, suspension, or revocation of a license, registration, certificate, or application.—

(2) *In reviewing any application requesting a change of ownership or change of the licensee, registrant, or certificate holder, the transferor shall, prior to agency approval of the change, repay or make arrangements to repay any amounts owed to the agency. Should the transferor fail to repay or make arrangements to repay the amounts owed to the agency, the issuance of a license, registration, or certificate to the transferee shall be delayed until repayment or until arrangements for repayment are made.*

Section 33. Subsection (1) of section 409.9116, Florida Statutes, is amended to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. Funds shall be distributed quarterly in each fiscal year for which an appropriation is made. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the rural hospital disproportionate share program or the financial assistance program:

$$\text{TAERH} = (\text{CCD} + \text{MDD})/\text{TPD}$$

Where:

CCD = total charity care-other, plus charity care-Hill-Burton, minus 50 percent of unrestricted tax revenue from local governments, and restricted funds for indigent care, divided by gross revenue per adjusted patient day; however, if CCD is less than zero, then zero shall be used for CCD.

MDD = Medicaid inpatient days plus Medicaid HMO inpatient days.

TPD = total inpatient days.

TAERH = total amount earned by each rural hospital.

In computing the total amount earned by each rural hospital, the agency must use the most recent actual data reported in accordance with s. 408.061(4)(a).

Section 34. This act shall take effect upon becoming a law.

Remove the entire title,

and insert:

A bill to be entitled

An act relating to the protection and delivery of services to persons who are disabled, vulnerable, or elderly; creating s. 393.506, F.S.; allowing administration of medication by certain unlicensed staff for persons with developmental disabilities; providing requirements for such administration; creating s. 400.9685, F.S.; allowing administration of medication by certain unlicensed staff in nursing homes and related health care facilities for persons with developmental disabilities; providing requirements for such administration; amending s. 394.74, F.S.; providing for alternative payment methods for contracts for provision of local substance abuse and mental health programs; amending s. 415.102, F.S.; clarifying definitions; amending s. 765.401, F.S.; providing additional persons which may be given a proxy for the making of health care decisions; amending s. 744.102, F.S.; providing that a public guardian shall be considered a professional guardian for certain purposes; amending s. 744.108, F.S.; providing that certain costs relating to determination of certain fees shall be payable from the guardianship estate; amending s. 744.1083, F.S.; deleting obsolete language; increasing the maximum annual fee for registration as a professional guardian; requiring additional information for registration; transferring certain rule adoption authority and registration responsibilities from the Statewide Public Guardianship Office to the Department of Elderly Affairs; authorizing the Department of Elderly Affairs to contract with a not-for-profit entity to register professional guardians; providing that certain educational institutions may act as professional guardians without registering; amending s. 744.1085, F.S.; providing for additional regulation of professional guardians; providing for a professional examination as a condition of registration; providing additional requirements for registration as a professional guardian; providing that certain financial institutions are exempt from the regulations governing professional guardians; amending s. 744.3135, F.S.; limiting certain requirements to professional guardians; authorizing the court to require guardians to submit to credit history investigations and background screening; amending s. 744.3145, F.S.; providing training requirements for parents appointed as guardians of the property of their minor children; amending s. 744.444, F.S.; allowing guardians to employ care managers and disclose confidential information to an ombudsman without court approval; providing that such information shall remain confidential; authorizing the payment of certain costs; amending ss. 744.534 and 744.7021, F.S.; providing that the executive director of the Statewide Public Guardianship Office shall be appointed by the Secretary of Elderly Affairs, rather than by the Governor; transferring certain responsibilities from the Statewide Public Guardianship Office to the Department of Elderly Affairs; amending s. 744.704, F.S.; removing a limitation on what wards a public guardian may serve; creating the Guardianship Task Force to examine and make recommendations regarding guardianship in this state; providing for membership; providing for appointment; providing for term of existence; providing that certain prior offenses shall be considered in conducting employment screening, notwithstanding the provisions of section 64 of ch. 95-228, Laws of Florida; amending s. 400.071, F.S.; requiring applicants for licensure as a nursing home to provide proof of a legal right to occupy the property; amending s. 400.414, F.S.; delineating the types and number of deficiencies justifying denial, revocation, or suspension of a license as an assisted living facility; amending s.

400.417, F.S.; providing an alternative method of providing notice to an assisted living facility that a license must be renewed; amending s. 400.419, F.S.; providing that administrative fines for assisted living facilities or its personnel shall be imposed by the Agency for Health Care Administration in the manner provided in ch. 120, F.S.; amending s. 400.0239, F.S.; providing for deposit of civil monetary fines in the Quality of Long-Term Care Facility Improvement Trust Fund; providing for additional purposes for which funds from such trust fund may be expended; amending s. 400.141, F.S.; providing for enforcement of minimum staffing standards for a nursing facility within a range; amending s. 400.235, F.S.; allowing reviewed financial statements to be submitted for the Gold Seal program; amending s. 400.452, F.S.; revising training and education requirements of the Department of Elderly Affairs for assisted living facilities; deleting a requirement that fees for training and education programs be based on the percentage of residents receiving monthly optional supplementation payments; amending s. 430.502, F.S.; requiring the Agency for Health Care Administration and the Department of Health to seek and implement a Medicaid home and community-based waiver for persons with Alzheimer's disease; requiring the development of waiver program standards; providing for consultation with the presiding officers of the Legislature; providing for a contingent future repeal of such waiver program; amending s. 400.557, F.S.; providing an alternative method of providing notice to an adult day care center that a license must be renewed; amending s. 400.619, F.S.; requiring that the Agency for Health Care Administration provide advance notice to an adult family-care home that a license must be renewed; reenacting and amending s. 400.980, F.S.; providing that the provisions governing background screening of persons involved with health care services pools shall not stand repealed; amending s. 408.061, F.S.; exempting nursing homes and continuing care facilities from certain financial reporting requirements; amending s. 408.062, F.S.; providing that the Agency for Health Care Administration is not required to evaluate financial reports of nursing homes; amending s. 408.831, F.S.; requiring that licensees of the Agency for Health Care Administration pay or arrange for payment of amounts owed to the agency by the licensee prior to transfer of the license or issuance of a license to a transferee; amending s. 409.9116, F.S.; correcting a cross reference; providing an effective date.

On motion by Senator Lynn, the Senate concurred in the House amendment.

**CS for SB 2568** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Alexander	Dawson	Miller
Argenziano	Diaz de la Portilla	Peadar
Aronberg	Dockery	Posey
Atwater	Fasano	Pruitt
Bennett	Garcia	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Lawson	Villalobos
Constantine	Lee	Wasserman Schultz
Cowin	Lynn	Webster
Crist	Margolis	Wise

Nays—None

## THE PRESIDENT PRESIDING

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1426, with amendment(s), and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 1426**—A bill to be entitled An act relating to governmental per diem and travel expenses; amending s. 166.021, F.S.; providing definitions; authorizing municipalities and agencies thereof to adopt per diem and travel expense policies for travelers, notwithstanding s.

112.061, F.S.; providing for retroactive application; providing for applicability of s. 112.061, F.S., if per diem and travel expense policies are or are not adopted; providing for offenses related to false or fraudulent travel claims; providing misdemeanor penalties; providing for civil liability; amending s. 112.061, F.S.; establishing per diem and subsistence ranges for travel expenses of public employees; conforming provisions and deleting obsolete provisions; specifying agency head responsibilities to establish state traveler rates; providing for future adjustments of such rates; providing that counties, county officers, district school boards, and certain special districts may increase specified rates; providing effective dates.

**House Amendment 1 (888265)(with title amendment)**—On page 4, line 30 through page 22, line 1, remove: all of said lines and insert:

Section 2. Subsection (14) is added to section 112.061, Florida Statutes, to read:

(14) *APPLICABILITY TO COUNTIES, COUNTY OFFICERS,*

And the title is amended as follows:

On page 1, line(s) 15-21, remove: all of said lines, and insert: providing that counties, county

On motion by Senator Posey, the Senate concurred in the House amendment.

**CS for SB 1426** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Alexander	Diaz de la Portilla	Peadar
Argenziano	Dockery	Posey
Atwater	Fasano	Pruitt
Bennett	Garcia	Saunders
Campbell	Geller	Sebesta
Carlton	Haridopolos	Smith
Clary	Jones	Villalobos
Constantine	Klein	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—6

Aronberg	Hill	Miller
Bullard	Lawson	Siplin

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 2556** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; and by two-thirds vote placed on the Special Order Calendar.

By direction of the President, the rules were waived and the Senate reverted to—

## BILLS ON THIRD READING

The Senate resumed consideration of—

**HB 435**—A bill to be entitled An act relating to coastal redevelopment hazard mitigation; providing a popular name; amending s. 163.3164, F.S.; defining the term "local hazard mitigation strategy"; amending s. 163.3174, F.S.; providing local planning authority for certain municipalities in certain charter counties; amending s. 163.3177, F.S.; providing an additional requirement in the comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising language with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high hazard area; providing conditions; providing for application by a local government; providing for a written agreement be-

tween the state land planning agency and the local government; providing for a progress report; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross references, to conform; amending s. 380.06, F.S.; providing presumptions with respect to whether an extension of the date of a buildout or phase in an areawide development plan constitutes a substantial deviation; providing authority for local governments to impose a residential acquisition fee by ordinance or resolution; prohibiting imposition of such fee in an area where a fee has been approved by another local government; providing for a referendum; providing a fee schedule; providing procedures for collection of fees; providing for utilization of funds; requiring the county and municipalities to divide funds pursuant to agreement; providing a time limit on local government authorization to impose or collect certain fees; providing an effective date.

—with pending point of order.

### RULING ON POINT OF ORDER

On recommendation of Senator Lee, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken.

Senator Jones moved the following amendments which were adopted by two-thirds vote:

**Amendment 2 (702096)(with title amendment)**—Lines 203-270, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 5-7, delete those lines and insert: strategy”; amending s. 163.3177, F.S.; providing an

**Amendment 3 (093270)(with title amendment)**—On page 21, line 579 through page 24, line 655, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to community development and planning; providing a popular name; amending s. 163.3164, F.S.; defining the term “local hazard mitigation strategy”; amending s. 163.3174, F.S.; providing local planning authority for certain municipalities in certain charter counties; amending s. 163.3177, F.S.; providing an additional requirement in the comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising language with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross references, to conform; amending s. 380.06, F.S.; providing presumptions with respect to whether an extension of the date of a buildout or phase in an areawide development plan constitutes a substantial deviation; providing an effective date.

On motion by Senator Jones, **HB 435** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **HB 733** was withdrawn from the Committee on Rules and Calendar; and by two-thirds vote placed on the Local Bill Calendar.

### LOCAL BILL CALENDAR, continued

On motion by Senator Atwater, by two-thirds vote—

**HB 733**—A bill to be entitled An act relating to the Lake Worth Drainage District, Palm Beach County; amending ch. 98-525, Laws of Florida; amending the district boundaries; providing a limitation on the district's liability from third-party use of district lands, rights-of-way, works, and easements for authorized, permitted, or licensed activities for facilities or for outdoor recreational purposes; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 733** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1822, with amendment(s), and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 1822**—A bill to be entitled An act relating to adult protective services; amending s. 415.1045, F.S.; requiring the Department of Children and Family Services to enter into certain working agreements with local law enforcement agencies; requiring the Office of Program Policy Analysis and Government Accountability to review and report to the Legislature; amending s. 415.1102, F.S.; defining the term “multidisciplinary adult protection team”; providing for composition of such teams; requiring the department to report to the Legislature on the status of compliance with certain recommendations relating to the Adult Services Program and to analyze and provide a plan for the implementation of multidisciplinary adult protection teams; creating the Guardianship Task Force within the department; providing purpose; providing for staff, a chairperson, and membership of the task force; providing for organizations that appoint members to pay their expenses; providing duties of the task force; requiring a preliminary and a final report to the Governor and the Legislature; allowing the appointment of auxiliary members; providing a term of service; providing an effective date.

**House Amendment 1 (916463)(with directory and title amendments)**—On page 6, between line(s) 9 and 10, insert:

Section 5. Section 744.7021, Florida Statutes, is amended to read:

744.7021 Statewide Public Guardianship Office.—There is hereby created the Statewide Public Guardianship Office within the Department of Elderly Affairs. ~~The Department of Elderly Affairs shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The Statewide Public Guardianship Office may request the assistance of the Inspector General of the Department of Elderly Affairs in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the Statewide Public Guardianship Office. The Statewide Public Guardianship Office shall not be subject to control, supervision, or direction by the Department of Elderly Affairs in the performance of its duties.~~

(1) The *Secretary of Elderly Affairs* shall appoint the executive director, who shall be the head of the Statewide Public Guardianship Office is the executive director, who shall be appointed by the Governor. The executive director must be a member of The Florida Bar, knowledgeable of licensed attorney with a background in guardianship law and knowledge of the social services available to meet the needs of incapacitated persons, shall serve on a full-time basis, and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Public Guardianship Office in accordance with state and federal law. The executive director shall serve at the pleasure of and report to the *Secretary Governor*.

(2) The *executive director Statewide Public Guardianship Office* shall, within available resources, have oversight responsibilities for all public guardians.

(a) The *executive director office* shall review the current public guardian programs in Florida and other states.

(b) The *executive director office*, in consultation with local guardianship offices, shall develop statewide performance measures and standards.

(c) The *executive director office* shall review the various methods of funding guardianship programs, the kinds of services being provided by such programs, and the demographics of the wards. In addition, the *executive director office* shall review and make recommendations regarding the feasibility of recovering a portion or all of the costs of providing public guardianship services from the assets or income of the wards.

(d) ~~No later than October 1, 2000, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2001, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed public guardianship plan including alternatives for meeting the state's guardianship needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. By January 1, 2004, and by January 1 of each year thereafter, the executive director office shall provide a status report and provide further recommendations to the Secretary that address the need for public guardianship services and related issues.~~

(e) The *executive director office* may provide assistance to local governments or entities in pursuing grant opportunities. The *executive director office* shall review and make recommendations in the annual report on the availability and efficacy of seeking Medicaid matching funds. The *executive director office* shall diligently seek ways to use existing programs and services to meet the needs of public wards.

(f) The *executive director, in consultation with the Florida Guardianship Foundation office* shall develop a guardianship training program curriculum that. ~~The training program may be offered to all guardians whether public or private. The office shall establish a curriculum committee to develop the training program specified in this part. The curriculum committee shall include, but not be limited to, probate judges. A fee may be charged to private guardians in order to defray the cost of providing the training. In addition, a fee may be charged to any training provider for up to the actual cost of the review and approval of their~~

~~curriculum. Any fees collected pursuant to this paragraph shall be deposited in the Department of Elderly Affairs Administrative Trust Fund to be used for the guardianship training program.~~

(3) The *executive director office* may conduct or contract for demonstration projects authorized by the *Department of Elderly Affairs*, within funds appropriated or through gifts, grants, or contributions for such purposes, to determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights of persons of marginal or diminished capacity. Any gifts, grants, or contributions for such purposes shall be deposited in the Department of Elderly Affairs Administrative Trust Fund.

(4) The *Department of Elderly Affairs office* has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out the provisions of this section.

And the title is amended as follows:

On page 1, line(s) 27,

Insert after the semicolon;

amending s. 744.7021, F.S.; providing that the executive director of the Statewide Public Guardianship Office shall be appointed by the Secretary of Elderly Affairs, rather than by the Governor; transferring certain responsibilities from the Statewide Public Guardianship Office to the Department of Elderly Affairs;

On motion by Senator Margolis, the Senate concurred in the House amendment.

**CS for SB 1822** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

### SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for SB 400** and **CS for CS for SB 696** was deferred.

**SB 1490**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.26165, F.S.; revising criteria for making breeders' awards for racehorses; amending s. 550.2625, F.S.; providing for payment of special racing awards; amending s. 550.5251, F.S.; authorizing a thoroughbred racing permitholder to operate a cardroom; amending s. 849.086, F.S.; redefining the term "authorized game"; providing for certain permitholders to amend the annual application to include operation of a cardroom; providing requirements for a harness permitholder to operate a cardroom; clarifying requirements for the license fee; revising certain restrictions on the hours that a cardroom may be operated; authorizing the cardroom operator to limit the amount wagered; providing certain restrictions with respect to the amount of bets and the number of raises in a round of betting; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **SB 1490** to **HB 1059**.



Pending further consideration of **SB 1490**, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1059** was withdrawn from the Committees on Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Diaz de la Portilla—

**HB 1059**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.26165, F.S.; revising criteria for making breeders' awards for racehorses; amending s. 550.2625, F.S.; providing for payment of special racing awards; amending s. 550.5251, F.S.; authorizing a thoroughbred racing permitholder to operate a cardroom; amending s. 849.086, F.S.; redefining the term "authorized game"; providing for certain permitholders to amend the annual application to include operation of a cardroom; providing requirements for a harness permitholder to operate a cardroom; clarifying requirements for the license fee; revising certain restrictions on the hours that a cardroom may be operated; authorizing the cardroom operator to limit the amount wagered; providing certain restrictions with respect to the amount of bets and the number of raises in a round of betting; providing an effective date.

—a companion measure, was substituted for **SB 1490** and read the second time by title.

Senator Cowin moved the following amendment which failed:

**Amendment 1 (260470)**—Lines 300-306, delete those lines and insert:

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(a) A cardroom may only be operated at the location specified on the cardroom license issued by the division, and such location may only be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit and current license.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1059** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Dockery	Lynn
Alexander	Fasano	Margolis
Argenziano	Garcia	Miller
Atwater	Geller	Pruitt
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Dawson	Klein	Villalobos
Diaz de la Portilla	Lawson	Wasserman Schultz

Nays—11

Aronberg	Cowin	Smith
Carlton	Crist	Webster
Clary	Peaden	Wise
Constantine	Posey	

Vote after roll call:

Nay to Yea—Aronberg

By direction of the President, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1334, SB 534 & SB 360 with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

**CS for CS for SB's 1334, SB 534 and SB 360**—A bill to be entitled An act relating to school readiness programs; implementing s. 1(b) and (c), Art. IX of the State Constitution; creating the voluntary universal prekindergarten education program within the Agency for Workforce Innovation; limiting the application of provisions relating to school readiness programs; requiring the State Board of Education to submit a report with recommendations on the curriculum, design, and standards of the voluntary universal prekindergarten education program; directing the Office of Program Policy Analysis and Government Accountability and the Auditor General to conduct audits and submit reports to the Governor and Legislature; providing an effective date.

**House Amendment 1 (611813)(with title amendment)**—Remove everything after the enacting clause, and insert:

Section 1. *Voluntary universal prekindergarten education program.*—

(1) *The voluntary universal prekindergarten education program shall provide a high-quality prekindergarten learning opportunity in the form of early childhood development and education which is voluntary and free for every child in this state who is 4 years of age. The program must be organized, designed, and delivered in accordance with s. 1(b) and (c), Art. IX of the State Constitution. Except as otherwise expressly provided by law, ss. 411.01-411.011, Florida Statutes, do not apply to the voluntary universal prekindergarten education program.*

(2) *The State Board of Education shall conduct a study on the curriculum, design, and standards for the voluntary universal prekindergarten education program. By October 1, 2003, the State Board of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Agency for Workforce Innovation and the Florida Partnership for School Readiness shall provide any necessary information and coordinate with the state board. The report must include the recommendations and options of the state board on each of the following program elements:*

(a) *Curriculum and standards.—Developmentally appropriate curriculum and standards that provide children a high-quality prekindergarten learning opportunity. These curriculum and standards must be designed to:*

1. *Address and enhance each child's ability to make age-appropriate progress;*
2. *Provide early childhood development of language and cognitive capabilities;*
3. *Provide education in basic skills and other appropriate skills; and*
4. *Deliver early childhood development and education according to professionally accepted standards.*

(b) *High-quality learning opportunity.—Quality standards that provide children a high-quality prekindergarten learning opportunity. These quality standards must include specific recommendations or options for the expected outcomes of the voluntary universal prekindergarten education program.*

(c) *Quantity of instruction.—Standards for the quantity of instruction to be provided as voluntary and free for every child in the state who is 4 years of age. These standards must include specific recommendations or options for each of the following elements:*

1. *Hours per day; and*
2. *Days per year.*

(d) *Delivery system.—Standards for providers in order to deliver children a high-quality prekindergarten learning opportunity. These standards must include specific recommendations or options for each of the following elements:*

1. *Appropriate range of settings, including both public and private providers, with consideration of the capacity in each available setting;*
2. *Licensing or regulatory requirements for providers;*
3. *Health and safety requirements for providers; and*

4. *Parental choice.*

(e) *Assessment and evaluation.*—Methods for measuring the performance of the voluntary universal prekindergarten education program. These methods must include specific recommendations or options for each of the following elements:

1. *Assessment of age-appropriate progress for each child;*
2. *Evaluation of outcome measures for each provider in each setting; and*
3. *Evaluation of school readiness coalitions.*

(f) *Funding.*—Estimated cost per full-time-equivalent child of the recommended curriculum, design, and standards. This cost estimate must consider funding for each of the state board's recommendations or options for each of the program elements described in this subsection.

(3) *The report must also include the state board's recommendations or options for best practices to improve the outcomes of school readiness coalitions and providers.*

Section 2. *Audits.*—

(1) *Performance Audit.*—The Office of Program Policy Analysis and Government Accountability shall conduct a performance audit of the school readiness programs administered by the Florida Partnership for School Readiness, the Agency for Workforce Innovation, and the school readiness coalitions for fiscal years 2000-2001, 2001-2002, and 2002-2003. The audit shall reassess the implementation, efficiency, and outcomes of the school readiness programs and shall examine the progress achieved by the Florida Partnership for School Readiness and the school readiness coalitions in response to the office's findings and recommendations reported under s. 411.01(11), Florida Statutes. The office shall also:

(a) *Monitor the study conducted by the State Board of Education on the voluntary universal prekindergarten education program;*

(b) *Evaluate the ability of the school readiness system to effectively implement the voluntary universal prekindergarten education program based upon the state board's recommendations or options for curriculum, design, and standards for the program; and*

(c) *Identify modifications or options for the school readiness system necessary to effectively implement the voluntary universal prekindergarten education program.*

A report of the audit's findings and recommendations or options shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2004.

(2) *Financial and Operational Audit.*—The Auditor General shall conduct a financial and operational audit of the school readiness programs administered by the Florida Partnership for School Readiness, the Agency for Workforce Innovation, and the school readiness coalitions for fiscal years 2000-2001, 2001-2002, and 2002-2003. The Auditor General shall also examine compliance with state and federal law and with rules adopted by the Florida Partnership for School Readiness and shall review implementation of the school readiness plans for compliance with the approved plans. A report of the audit's findings and recommendations or options shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2004.

While the audits are being conducted pursuant to this section, local school readiness coalitions shall refrain from initiating new long-term fiscal commitments.

## Section 3. This act shall take effect upon becoming a law.

Remove the entire title, and insert:

A bill to be entitled

An act relating to school readiness programs; implementing s. 1(b) and (c), Art. IX of the State Constitution; creating the voluntary universal prekindergarten education program; limiting the application of provisions relating to school readiness programs; requiring the State Board of Education to submit a report with recommendations or options for the

curriculum, design, and standards of the voluntary universal prekindergarten education program; directing the Office of Program Policy Analysis and Government Accountability and the Auditor General to conduct audits and submit reports to the Governor and Legislature; providing an effective date.

On motion by Senator Garcia, the Senate concurred in the House amendment.

**CS for CS for SB's 1334, SB 534 and SB 360** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment(s) to HB 691 and requests the Senate to recede.

John B. Phelps, Clerk

On motion by Senator Garcia, the Senate receded from **Senate Amendment 1.**

**HB 691** was passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—1

Carlton

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 204, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

**CS for CS for SB 204**—A bill to be entitled An act relating to the use of credit reports and credit scores by insurers; creating s. 626.9741, F.S.;

specifying that the act's purpose is to regulate and limit the use of credit reports and credit scores by insurers for underwriting and rating purposes; specifying the types of insurance to which the act applies; defining terms; requiring that an insurer identify the items in a credit report which resulted in an adverse decision; prohibiting an insurer from making an adverse decision based solely on a credit report or score or certain other factors; requiring an insurer to provide a means for appeal to an applicant or insured under certain circumstances; prohibiting the use of a credit report or score unless the Office of Insurance Regulation determines, based on a filing by the insurer, that such use is valid and reasonable; authorizing the Office of Insurance Regulation to disapprove such filings; requiring an insurer to adhere to certain laws and rules; requiring an insurer to provide for an adjustment in the premium of an insured to reflect an improvement in credit history; authorizing the Financial Services Commission to adopt rules; providing for application; providing an effective date.

**House Amendment 1 (288477)**—On page 4, line(s) 24-26, Remove all of said lines, and insert:

*a. Treat the consumer as otherwise approved by the Department of Financial Services if the insurer presents information that such an absence or inability is related to the risk for the insurer;*

**House Amendment 2 (737515)(with title amendments)**—On page 8, line(s) 1-3, Remove all of said lines, and insert:

Section 2. Contingent upon HB 1895, providing a public records exemption for trade secrets for credit scoring methodologies and related data and information which are required to be filed with the Office of Insurance Regulation, becoming a law, this act shall take effect January 1, 2004, and shall apply to policies issued or renewed on or after that date.

On page 1, line(s) 29, Remove all of said line, and insert: providing a contingent effective date.

On motion by Senator Miller, the Senate concurred in the House amendments.

**CS for CS for SB 204** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Diaz de la Portilla	Margolis
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Clary	Klein	Villalobos
Cowin	Lawson	Webster
Crist	Lee	Wilson
Dawson	Lynn	

Nays—1

Carlton

### SPECIAL ORDER CALENDAR, continued

**CS for SB 2350**—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S., the "Animal Fighting Act"; defining the term "animal fighting"; revising the elements of the crime of animal fighting or baiting; prohibiting certain acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; amending ss. 933.02, 933.18, F.S.; amending provisions relating to search warrants; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for SB 2350** to **HB 1911**.

Pending further consideration of **CS for SB 2350** as amended, on motion by Senator Klein, by two-thirds vote **HB 1911** was withdrawn from the Committees on Agriculture; and Criminal Justice.

On motion by Senator Klein, by two-thirds vote—

**HB 1911**—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S.; defining the term "animal fighting"; revising the elements of the crime of animal fighting or baiting; prohibiting certain acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; amending ss. 933.02 and 933.18, F.S.; revising provisions relating to the issuance of search warrants and grounds therefor when laws in relation to cruelty to animals have been or are being violated; providing an effective date.

—a companion measure, was substituted for **CS for SB 2350** as amended and by two-thirds vote read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 1911** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Friday, May 2, 2003: SB 2914, SB 2920, SB 2990, HB 185, HB 275, HB 425, HB 591, HB 897, HB 1055, HB 1265, HB 1541, HB 1543, HB 1545, HB 1549, HB 1567, HB 1685, HB 299, HB 427, HB 519, HB 1585

Respectfully submitted,  
Tom Lee, Chair

### REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

Ms. Faye Blanton Secretary of the Florida Senate May 2, 2003

Dear Madam Secretary:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment	For Term Ending
Board of Acupuncture Appointee: Gunter, Gregory	10/31/2002
Board of Athletic Training Appointee: Francoeur, Jeri H.	10/31/2006
Barbers' Board Appointees: Magda, Peter David Sullivan, Robbin Wilson, Darrell W.	10/31/2002 10/31/2005 10/31/2002
Florida Black Business Investment Board, Inc. Appointee: Lee, Arthur J.	06/30/2006
Florida Building Commission	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointees: Gregory, Kenneth L. Quintana, Francisco J.	12/08/2005 01/06/2005	Newbill, Frederick D.	To Be Determined by the Florida Legislature
Secretary of Children and Family Services Appointee: Regier, Jerry	Pleasure of Governor		
Florida Commission on Community Service Appointees: Lopes, Sandra J. Rivas, Eduardo R.	09/14/2002 09/14/2004	Board of Trustees, Florida State University Appointee: Hinkle, Lee F.	To Be Determined by the Florida Legislature
Board of Trustees of Manatee Community College Appointee: Boone, Stephen K.	05/31/2002		
Board of Trustees of St. Johns River Community College Appointee: Lancaster, Larry R.	05/31/2002	Board of Trustees, New College of Florida Appointee: Allen, Robert N., Jr.	06/30/2005
Board of Trustees of Tallahassee Community College Appointee: Doster, Russell S.	05/31/2006	Board of Trustees, University of North Florida Appointee: Coggin, Luther	06/30/2003
Construction Industry Licensing Board Appointee: Ross, Terry F.	10/31/2006	The Senate Committee on Ethics and Elections has failed to consider these appointments because the terms of the following appointees have expired:	
Board of Trustees for the Florida School for the Deaf and the Blind Appointee: Grau, Celida	11/14/2002	Robert N. Allen; Stephen K. Boone; John D. Booth; Luther Coggin; Don G. Donaldson; Celida Grau; Gregory Gunter; F. Philip Handy; Leerie T. Jenkins; Larry R. Lancaster; Kenneth Lieberman; Sandra J. Lopes; Challis M. Lowe; Peter David Magda; Gilbert M. Singer; Darrell W. Wilson	
State Board of Education Appointee: Handy, F. Philip	06/30/2005	The Senate Committee on Ethics and Elections has failed to consider these appointments because the following appointees have resigned:	
Education Practices Commission Appointee: Orr, Deborah D.	09/30/2004	Dorothy B. Adair; Beverly S. Anderson; Kenneth W. Detzner; Jeri H. Francoeur; Kenneth L. Gregory; Jill V. Hickey; Lee F. Hinkle; Arthur J. Lee; Simone Marstiller; Frederick D. Newbill; Deborah D. Orr; Francisco J. Quintana; Jerry Regier; Barbara M. Riley; Eduardo R. Rivas; Terry F. Ross; Judith C. Whitehead	
Education Standards Commission Appointee: Riley, Barbara M.	09/30/2003	The Senate Committee on Ethics and Elections has failed to consider this appointment because the following appointee failed to qualify for office and was reappointed:	
Executive Director, Fish and Wildlife Conservation Commission Appointee: Haddad, Kenneth D.	Pleasure of Commission	Kenneth D. Haddad	
Board of Funeral Directors and Embalmers Appointee: Adair, Dorothy B.	10/31/2005	The Senate Committee on Ethics and Elections has failed to consider the following appointments because the appointees were left pending and were not acted on by the Senate upon adjournment of the 2003 Regular Session of the Florida Legislature:	
Florida Commission on Human Relations Appointee: Singer, Gilbert M.	09/30/2002	Russell S. Doster; Robbin Sullivan	
Florida Inland Navigation District Appointees: Booth, John D. Donaldson, Don G.	01/09/2003 01/09/2003	The Senate Committee on Natural Resources considered and recommended the executive appointment of the following individual. The Senate Committee on Ethics and Elections did not consider the appointment during the 2003 Regular Session of the Florida Legislature and the following appointment was left pending and was not acted on by the Senate upon adjournment of the 2003 Regular Session of the Florida Legislature:	
Secretary of Management Services Appointee: Marstiller, Simone	Pleasure of Governor	John G. Sowinski	
Board of Opticianry Appointee: Lieberman, Kenneth	10/31/2002	Respectfully submitted, Anna P. Cowin, Chairman	
Board of Podiatric Medicine Appointee: Hickey, Jill V.	10/31/2005		
Board of Psychology Appointee: Anderson, Beverly S.	10/31/2005		
Secretary of State Appointee: Detzner, Kenneth W.	Pleasure of Governor		
Governing Board of the St. Johns River Water Management District Appointee: Sowinski, John G.	03/01/2007	Ms. Faye Blanton Secretary of the Florida Senate	May 2, 2003
Coastal Rivers Basin Board of the Southwest Florida Water Management District Appointee: Whitehead, Judith C.	03/01/2006	Dear Madam Secretary:	
Board of Trustees, Florida A & M University Appointees: Jenkins, Leerie T., Jr. Lowe, Challis M.	06/30/2003 06/30/2004	Please be advised that the following appointments were not received by the Florida Senate for consideration in the 2003 Regular Session. Therefore, pursuant to s. 114.05(1)(e), F.S., the Senate took no action on these appointments during the regular session immediately following the effective date of the appointment.	

*Office and Appointment*

Board of Chiropractic Medicine		<i>For Term</i>	
Appointee: Norris Barr		<i>Ending</i>	
		12/16/2002	
Board of Hearing Aid Specialists			
Appointee: Joseph Someillan		11/19/2002	
Board of Massage Therapy			
Appointee: Brenda Owen		02/12/2003	
Board of Medicine			
Appointees: Mark Avila		01/27/2003	
Manuel Coto		01/27/2003	
Board of Orthotists and Prosthetists			
Appointees: Arlene Gillis		01/16/2003	
David Goris		01/16/2003	
Robert Moya		01/16/2003	
Board of Psychology			
Appointee: Katurah Hall		02/03/2003	
Construction Industry Licensing Board			
Appointee: Edward Weller		11/21/2002	
Florida A & M University			
Appointees: Al Cardenas		01/07/2003	
R. Holmes, Jr.		01/07/2003	
Florida Real Estate Appraisal Board			
Appointee: Douglas Brown		02/07/2003	
Florida State University			
Appointee: Jessie Furlow		01/07/2003	
Gulf Coast University			
Appointees: Harry Moon		01/07/2003	
P. Villalobos		01/07/2003	
Board of Governors			
Appointees: Castell Bryant		01/07/2003	
Ava Parker		01/07/2003	
University of Florida			
Appointees: Lousie Courtelis		01/07/2003	
Dianna Morgan		01/07/2003	
University of North Florida			
Appointees: Edythe Abdullah		01/07/2003	
Toni Crawford		01/07/2003	
University of South Florida			
Appointees: Richard Beard III		01/07/2003	
Sonja Garcia		01/07/2003	
Kiran Patel		01/07/2003	
Debbie Sembler		01/07/2003	
University of West Florida			
Appointees: Honor Bell		01/07/2003	
J. Merrill		01/07/2003	
JoAnn Morgan		01/07/2003	
Withlacoochee River Basin Board of the Southwest			
Florida Water Management District			
Appointee: Robert Huss, Jr.		03/02/2003	

Respectfully submitted,  
*Anna P. Cowin*, Chairman

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

By Senator Bennett—

**SB 2990**—A bill to be entitled An act relating to the Southern Manatee Fire and Rescue District, in Manatee County; amending chapter 2000-402, Laws of Florida; conforming the district's charter to section

191.009, F.S., relating to impact fees; revising the district's impact fee schedule; incorporating the district's authority granted by referendum to levy ad valorem taxes; limiting annual increases in millage rate; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 160 which he approved on May 2, 2003.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed HB 733, HB 967, HB 1367, HB 1689, HB 1743, HB 1781, HB 1917, HB 1921; has passed as amended HB 37, HB 85, HB 137, HB 165, HB 189, HB 197, HB 237, HB 299, HB 315, HB 325, HB 387, HB 435, HB 467, HB 483, HB 497, HB 519, HB 527, HB 537, HB 577, HB 591, HB 657, HB 751, HB 847, HB 875, HB 931, HB 1055, HB 1105, HB 1133, HB 1205, HB 1243, HB 1277, HB 1353, HB 1363, HB 1373, HB 1469, HB 1511, HB 1517, HB 1555, HB 1569, HB 1575, HB 1623, HB 1687, HB 1741, HB 1745, HB 1807, HB 1869, HB 1879, HB 1899, HB 1911; has passed by the required Constitutional three-fifths vote of the membership HJR 659; has passed as amended by the required Constitutional two-thirds vote of the membership HB 491, HB 1905 and requests the concurrence of the Senate.

*John B. Phelps*, Clerk

By Representative Hasner—

**HB 733**—A bill to be entitled An act relating to the Lake Worth Drainage District, Palm Beach County; amending ch. 98-525, Laws of Florida; amending the district boundaries; providing a limitation on the district's liability from third-party use of district lands, rights-of-way, works, and easements for authorized, permitted, or licensed activities for facilities or for outdoor recreational purposes; providing an effective date.

Proof of publication of the required notice was attached.

was referred to the Committee on Rules and Calendar.

By Representative Adams—

**HB 967**—A bill to be entitled An act relating to motor vehicle title certificates; amending s. 319.23, F.S.; requiring the Department of Highway Safety and Motor Vehicles to maintain certain records for 10 years; providing an effective date.

—was referred to the Committees on Transportation; and Governmental Oversight and Productivity.

By Representative Henriquez and others—

**HB 1367**—A bill to be entitled An act relating to public school student progression; amending s. 1008.25, F.S.; requiring the comprehensive program for student progression to include assessment of performance in social studies; amending ss. 1003.51 and 1003.52, F.S.; conforming provisions relating to subject area grade level proficiency of students in Department of Juvenile Justice education programs; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; Appropriations Subcommittee on Education; and Appropriations.

By Representative Prieguez and others—

**HB 1689**—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Asbel Llerena; authorizing and directing the City of Hialeah to compensate him for personal injuries and the death of Maria de Jesus Llerena due to the negligence of a City of Hialeah employee; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By the Committee on Public Safety and Crime Prevention; and Representative Barreiro and others—

**HB 1743**—A bill to be entitled An act relating to juvenile proceedings; amending s. 985.219, F.S.; providing the time period by which a juvenile shall be brought for an adjudicatory hearing; repealing Florida Rule of Juvenile Procedure 8.090 to the extent it is inconsistent with the act; providing an effective date; providing a contingent effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

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By the Committee on Business Regulation; and Representative Prieguez—

**HB 1781**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.09515, F.S.; deleting provisions that require a thoroughbred horse permit to be voided and to escheat to the state for failure to operate performances; deleting provisions for the reissuance of such escheated permit; amending s. 550.5251, F.S.; revising provisions for application and issuance of certain thoroughbred horse permits; providing for penalties for failure to operate full schedule of performances by such permitholders; providing procedures for election not to operate live performances; providing that such election shall not affect the validity of a permit; exempting from penalties thoroughbred permitholders who failed to operate full schedule of performances during specified seasons; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

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By the Committee on Judiciary; and Representative Kottkamp—

**HB 1917**—A bill to be entitled An act relating to statutes of limitation; amending s. 95.031, F.S.; clarifying that the statute of limitations for actions founded upon fraud include actions founded on constructive fraud; providing that such amendments are remedial in nature and have retroactive effect; providing an effective date.

—was referred to the Committees on Judiciary; and Military and Veterans' Affairs, Base Protection, and Spaceports.

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By the Committee on Public Safety and Crime Prevention; and Representative Barreiro and others—

**HB 1921**—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.279, F.S.; providing that disciplinary procedures for frivolous filings by a prisoner are applicable to a criminal proceeding or collateral criminal proceeding filed on or after a specified date; amending s. 944.7065, F.S.; revising requirements for the transition course required for inmates who are released from the Department of Corrections and reenter the community; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Representative Kravitz and others—

**HB 37**—A bill to be entitled An act relating to sexual offenders; amending s. 947.1405, F.S.; prohibiting certain sexual offenders subject to conditional release supervision from living within a specified distance of certain places where children congregate; prohibiting district school boards from establishing school bus stops within 1,000 feet of the existing residence of persons prohibited from living within 1,000 feet of a school bus stop; providing that failure of the district to comply with such provision shall not result in a violation by the resident; creating s. 794.065, F.S.; prohibiting persons convicted of certain sex crimes from residing within 1,000 feet of a school, day care center, park, or playground; amending s. 1006.22, F.S.; requiring district school boards to notify the Department of Corrections regarding school bus stop locations; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations.

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By Representative Needelman and others—

**HB 85**—A bill to be entitled An act relating to law enforcement; creating the Law Enforcement Agency Consolidation Task Force; providing for the appointment of members; providing for duties; providing for a report addressing the effects of the consolidation of all sworn law enforcement positions in the state; providing for future repeal; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

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By Representative Kilmer and others—

**HB 137**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing a popular name; specifying a period during which the sale of clothing, school supplies, and books are exempt from such tax; providing definitions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

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By Representative Mack and others—

**HB 165**—A bill to be entitled An act relating to homeowners' associations; amending s. 702.09, F.S.; redefining the term "mortgage" to include liens created pursuant to a homeowners' association as defined in s. 712.01, F.S.; amending s. 718.111, F.S.; revising language with respect to official records of the condominium association authorizing the association to provide certain information to prospective purchasers or lienholders under certain circumstances; providing for immunity from liability; authorizing fees; establishing insurance requirements for condominium associations and individual unit owners; amending s. 718.112, F.S.; revising language with respect to condominium bylaws to allow the use of limited proxies for votes taken to waive certain financial reporting requirements; prohibiting the requirement of retrofitting condominiums for enhanced fire protection systems under certain circumstances; providing for voting conditions; providing for notice; amending s. 718.303, F.S.; providing that certain actions with respect to the obligation of condominium owners shall not be deemed actions for specific performance; amending s. 719.104, F.S.; revising language with respect to official records of the cooperative association authorizing the association to provide certain information to prospective purchasers or lienholders under certain circumstances; providing for immunity from liability; authorizing fees; amending s. 719.303, F.S.; providing that certain actions with respect to the obligation of cooperative owners shall not be deemed actions for specific performance; amending s. 720.302, F.S.; providing that corporations not for profit that operate residential homeowners' associations shall be governed by and subject to the provisions of ch. 617, F.S.; amending s. 719.1055, F.S.; prohibiting the requirement of retrofitting cooperatives for enhanced fire protection under certain circum-

stances; providing for voting conditions; providing for notice; requiring certain reports; providing an effective date.

—was referred to the Committees on Comprehensive Planning; and Banking and Insurance.

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By Representative Slosberg and others—

**HB 189**—A bill to be entitled An act relating to driving privilege; providing a popular name; creating s. 318.1225, F.S.; providing additional charges for certain traffic violations; providing for distribution of moneys collected; amending s. 318.21, F.S.; revising provisions relating to disposition of civil penalties by county courts; creating s. 322.287, F.S.; providing additional fees for reinstatement of suspended driving privilege; amending s. 318.1215, F.S.; clarifying that funds be used for driver education programs in schools; requiring that funds be used for enhancement of driver education program funds; providing a requirement for behind-the-wheel training; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Education; Appropriations Subcommittee on General Government; and Appropriations.

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By Representative Barreiro and others—

**HB 197**—A bill to be entitled An act relating to plea agreements; amending s. 921.143, F.S.; providing a popular name; prohibiting, in any case in which a law enforcement officer is a victim of the crime before the court, the entering of a plea agreement purporting to bind present or future action, judgment, or speech of a law enforcement officer or law enforcement agency at any court, sentencing, or parole hearing or with regard to any investigation without reasonable prior notice to the affected officer or duly authorized representative of the affected law enforcement agency; defining the term “law enforcement officer” for such purposes; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

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By Representative Prieguez and others—

**HB 237**—A bill to be entitled An act relating to municipal parking facility space surcharges; creating s. 166.271, F.S.; authorizing certain municipalities to impose and collect a surcharge on certain parking facility space sale, lease, or rental charges; requiring referendum approval; providing for a maximum surcharge rate; providing an exception; providing a limitation; specifying uses and limits of surcharge proceeds; providing for local administration of the surcharge; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; and Finance and Taxation.

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By Representative Gannon—

**HB 299**—A bill to be entitled An act relating to the City of Delray Beach, Palm Beach County; providing for codification of existing special laws relating to the creation, powers, and duties of the Delray Beach Downtown Development Authority; codifying, amending, reenacting, and repealing chapters 71-604, 72-524, 80-495, 87-520, 89-477, 91-385, 92-263, 94-476, and 98-503, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Benson and others—

**HB 315**—A bill to be entitled An act relating to the Florida Institute for Human and Machine Cognition, Inc.; creating s. 1004.447, F.S.; es-

tablishing the Florida Institute for Human and Machine Cognition, Inc., at the University of West Florida as a not-for-profit corporation; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing for articles of incorporation; providing powers of the corporation; authorizing contracts without competitive bidding; providing for a board of directors; providing for an affiliation agreement; providing for an annual postaudit report; authorizing the corporation to secure liability protection; providing for assumption of responsibilities of the corporation by the University of West Florida under certain circumstances; providing for administration of the institute by a chief executive officer and providing duties; requiring appointment of a council of scientific advisers and providing duties; providing that the corporation and its subsidiaries are not agencies for certain purposes; authorizing additional affiliation agreements; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on Education; and Appropriations.

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By Representative Bean and others—

**HB 325**—A bill to be entitled An act relating to public libraries; amending s. 257.191, F.S.; revising provisions relating to public library construction grants; providing for waiver of local matching requirement under certain circumstances; authorizing the Division of Library and Information Services to administer certain funds; providing for eligibility for grant funding; providing for the adoption of rules; providing for effect contingent upon certain appropriations; amending s. 257.261, F.S.; revising provisions relating to confidentiality of public library registration and circulation records to authorize disclosure of information to the parent or guardian of a library patron under age 16, for the purpose of collecting fines or recovering overdue books or other materials; providing for severability; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

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By Representative Ambler and others—

**HB 387**—A bill to be entitled An act relating to public records and public meetings exemptions; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the H. Lee Moffitt Cancer Center and Research Institute to include information relating to methods of manufacture or production, potential trade secrets, potentially patentable material, and proprietary information received, generated, ascertained, or discovered during the course of research, and business transactions resulting from such research; expanding the public records exemption to include information received from this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; amending s. 1004.445, F.S.; creating a public records exemption for proprietary confidential business information owned or controlled by the Florida Alzheimer's Center and Research Institute; categorizing specified types of information as proprietary confidential business information; defining “managed care”; providing for access to proprietary confidential business information by specified agencies; creating a public meetings exemption for specified meetings of the governing board of the Florida Alzheimer's Center and Research Institute; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Education; Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; Commerce, Economic Opportunities, and Consumer Services; and Rules and Calendar.

By Representative Carassas—

**HB 435**—A bill to be entitled An act relating to coastal redevelopment hazard mitigation; providing a popular name; amending s. 163.3164, F.S.; defining the term “local hazard mitigation strategy”; amending s. 163.3174, F.S.; providing local planning authority for certain municipalities in certain charter counties; amending s. 163.3177, F.S.; providing an additional requirement in the comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising language with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross references, to conform; amending s. 380.06, F.S.; providing presumptions with respect to whether an extension of the date of a buildout or phase in an areawide development plan constitutes a substantial deviation; providing authority for local governments to impose a residential acquisition fee by ordinance or resolution; prohibiting imposition of such fee in an area where a fee has been approved by another local government; providing for a referendum; providing a fee schedule; providing procedures for collection of fees; providing for utilization of funds; requiring the county and municipalities to divide funds pursuant to agreement; providing a time limit on local government authorization to impose or collect certain fees; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Natural Resources; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Representative Quinones and others—

**HB 467**—A bill to be entitled An act relating to high school graduation; creating s. 1003.433, F.S.; providing learning opportunities for certain students to meet high school graduation requirements; providing requirements for certain transfer students; authorizing alternate assessments; authorizing rules; amending s. 1008.22, F.S., relating to student assessment for public schools; providing for alternate assessments for the grade 10 FCAT; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Representative Antone and others—

**HB 483**—A bill to be entitled An act relating to home-invasion robbery; amending s. 812.135, F.S.; providing additional offense classifications and revising the penalties for home-invasion robbery; providing that it is a first degree felony punishable by a term of imprisonment not exceeding life imprisonment to commit a home-invasion robbery in the course of which a firearm or other deadly weapon is carried; providing penalties; reenacting s. 943.325(1), F.S., relating to blood specimen testing for DNA analysis, to incorporate the amendment made to s. 812.135, F.S., by this act in a reference thereto; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, to conform; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Representative Slosberg and others—

**HB 497**—A bill to be entitled An act relating to motor vehicles; creating the Interstate 95 Lane Designation Pilot Project in Palm Beach County; providing legislative purpose; requiring heavy trucks to use the two outermost lanes; providing penalties for violation; directing the Department of Transportation to erect signs; requiring posting of signs prior to citation for violation; providing for repeal; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Vana—

**HB 519**—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; codifying the district’s charter; providing legislative intent; amending, codifying, and reenacting all special acts relating to Acme Improvement District as a single act; repealing all prior special acts relating to Acme Improvement District; amending the jurisdictional boundaries of Acme Improvement District; providing for the applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing that Acme Improvement District is a dependent district of the Village of Wellington; providing for liberal construction; providing a savings clause in the event any of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Arza and others—

**HB 527**—A bill to be entitled An act relating to educational facilities; authorizing certain municipalities, by proposal and resolution, to convert public schools to charter schools; providing requirements for the resolution; providing for application to the district school board for conversion; providing for notice of denial of application and appeal; providing restrictions relating to capital outlay funding; providing for rules; providing an effective date.

—was referred to the Committees on Education; Comprehensive Planning; Appropriations Subcommittee on Education; and Appropriations.

By Representative Bowen—

**HB 537**—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for certification of partnerships and corporations; providing grounds for suspension or revocation of registration; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violation of portable restroom contracting requirements; amending s. 381.0065, F.S.; authorizing the department to enter the business premises of any portable restroom contractor for compliance determination and enforcement; authorizing issuance of a citation for violation of portable restroom contracting requirements which may contain an order of correction or a fine; amending s. 381.0066, F.S.; authorizing the continuation of permit fees for system construction permits for onsite sewage treatment and disposal systems; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Regulated Industries; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Kendrick and others—

**HB 577**—A bill to be entitled An act relating to financial services; revising provisions relating to mortgage brokerage and mortgage lending; amending s. 494.0029, F.S.; specifying nontransferability of certain permits; providing requirements for changes in certain ownerships or controlling interests; providing for cancellation and reinstatement of certain permits; amending s. 494.00295, F.S.; clarifying certain professional education provisions as continuing education; amending s. 494.003, F.S.; clarifying types of financial institutions eligible for exemptions from application of certain provisions; amending s. 494.0031, F.S.; authorizing the Financial Services Commission or the Office of Financial Institutions and Securities Regulation to require information from applicants for licensure; specifying nontransferability of certain licenses; providing requirements for changes in certain ownerships or controlling interests; amending s. 494.0032, F.S.; providing for electronic filing of



certain license renewal forms; providing for cancellation and reinstatement of certain licenses; amending s. 494.0033, F.S.; revising mortgage broker licensure requirements; providing for third party administration of certain tests; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; amending s. 494.0034, F.S.; providing for electronic filing of certain license renewal forms; providing for cancellation and reinstatement of certain licenses; amending s. 494.0036, F.S.; clarifying a provision for issuance of a mortgage brokerage business branch office license; amending s. 494.006, F.S.; clarifying types of financial institutions eligible for exemptions from application of certain provisions; amending s. 494.0061, F.S.; clarifying application of certain accounting principles; providing requirements for changes in certain ownerships or controlling interests; providing for third party administration of certain tests; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; amending s. 494.0062, F.S.; authorizing the commission or office to require information from applicants for licensure; clarifying application of certain accounting principles; providing requirements for changes in certain ownerships or controlling interests; providing for third party administration of certain tests; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; amending s. 494.0064, F.S.; providing for electronic filing of certain license renewal forms; clarifying certain professional education provisions as continuing education; providing for cancellation and reinstatement of certain licenses; amending s. 494.0065, F.S.; clarifying application of certain accounting principles; providing education and testing requirements for principal representatives; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; requiring mortgage lenders to designate a principal representative for certain purposes; requiring office notification of designation and education of principal representatives; providing for cancellation and reinstatement of certain licenses; amending s. 494.0066, F.S.; providing for cancellation and reinstatement of certain licenses; amending s. 494.0067, F.S.; clarifying certain professional education provisions as continuing education; amending ss. 494.0016, 516.12, 520.997, and 537.009, F.S.; revising the commission's authority to regulate certain licensees; authorizing the commission to provide by rule requirements for destruction of certain information; clarifying commission authority to prescribe by rule certain minimum information to be shown in certain documents; amending s. 517.12, F.S.; specifying an additional depository for certain fees and documents required for registration of certain securities licensees; revising terminology relating to the Department of Financial Services, the Financial Services Commission, and the Office of Financial Institutions and Securities Regulation; amending s. 627.679, F.S.; providing limitations on sales of credit life insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

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By Representative Needelman and others—

**HB 591**—A bill to be entitled An act relating to the Melbourne-Tillman Water Control District, Brevard County; amending ch. 2001-336, Laws of Florida; amending district boundaries; amending the powers and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, to authorize the district to sell, lease, or otherwise dispose of real property; providing the procedure for such sale, lease, or other disposition; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Kravitz and others—

**HB 657**—A bill to be entitled An act relating to dentistry; amending ss. 381.7353 and 381.7355, F.S.; including oral health care in the Closing the Gap grant program; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry

in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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By Representative Galvano and others—

**HB 751**—A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute and the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida; amending s. 1004.43, F.S.; authorizing the establishment of for-profit subsidiaries of the governing corporation; prohibiting certain activities by such for profit subsidiaries; providing that the contract with the State Board of Education shall permit the use of lands and facilities for research, education, treatment, prevention, and early detection of cancer; authorizing the governing corporation and its subsidiaries to obtain their own property insurance coverage; providing that certain appropriations shall be paid directly to the board of directors of the governing corporation; changing the appointing authority for certain members of the council of scientific advisors; amending s. 1004.445, F.S.; renaming the Florida Alzheimer's Center and Research Institute as the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Center; deleting obsolete language; authorizing the establishment of for-profit subsidiaries of the governing corporation; providing that the contract with the State Board of Education shall permit the use of lands and facilities for research, education, treatment, prevention, and early detection of Alzheimer's disease; authorizing the governing corporation and its subsidiaries to obtain their own property insurance coverage; providing that certain appropriations shall be paid directly to the board of directors of the governing corporation; changing the appointing authority for certain members of the council of scientific advisors; providing an effective date.

—was referred to the Committees on Education; Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

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By Representative Goodlette and others—

**HB 847**—A bill to be entitled An act relating to violations of citizens' right to honest government; providing a popular name; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending s. 838.015, F.S.; revising the definition of "bribery" and increasing the penalty therefor; amending s. 838.016, F.S.; increasing the penalty for unlawful compensation for official behavior; creating ss. 838.022, 838.21, and 838.22, F.S.; providing criminal penalties for official misconduct, disclosure or use of confidential criminal justice information, and bid tampering; providing definitions; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 839.25, F.S., relating to official misconduct; amending ss. 112.534 and 117.01, F.S.; conforming cross references to changes made by the act; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

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By Representative Harrington and others—

**HB 875**—A bill to be entitled An act relating to highway safety; amending s. 316.075, F.S.; requiring hearing for specified violations of traffic control signal devices resulting in a crash; amending s. 318.14, F.S.; providing penalties for certain traffic infractions requiring a mandatory hearing; amending s. 318.18, F.S.; providing penalty for specified violation; providing for distribution of moneys collected; amending s. 318.19, F.S.; requiring hearing for specified violations resulting in a

crash; amending s. 318.21, F.S.; providing additional criteria for distributions of certain civil penalties by county courts; amending s. 322.0261, F.S.; requiring driver improvement course for a second violation of specified provisions within a specified time period; providing penalty for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning point value for conviction of specified violation of traffic control device; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Taxation; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

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By Representative Berfield and others—

**HB 931**—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; requiring the Council on Dental Hygiene to meet at least twice a year; providing for consideration by the Board of Dentistry of rule and policy recommendations of the council; creating s. 466.005, F.S., the Board of Dentistry Empowerment Act; providing for the appointment of an executive director; providing for duties and board oversight; requiring director to oversee staff; requiring the department to contract for a dental intake officer and providing qualifications; requiring certain responsibilities of the officer; requiring the board to establish certain performance parameters for departmental handling of disciplinary cases and consequences; requiring the Testing Services office to report to the board if requested; requiring a board spending plan and its content; requiring board spending authority over discretionary budget items; requiring a department report of certain information; providing for a board response; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; amending ss. 381.7353 and 381.7355, F.S.; including oral health care in the Closing the Gap grant program; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

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By Representative Green—

**HB 1055**—A bill to be entitled An act relating to the Lee County Trauma Services District, an independent district; providing for establishment of the Lee County Trauma Services District for the purpose of financially supporting trauma services in Lee County; providing that such trauma services shall be provided through a designated Level II Trauma Center; providing for a governing board; providing for officers of the governing board; providing for audit of books; providing for quarterly meetings; prescribing the powers and duties of the board; stating a public purpose; providing for a budget; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Murman and others—

**HB 1105**—A bill to be entitled An act relating to health care facilities; amending s. 408.032, F.S.; revising the definition of “tertiary health service” under the Health Facility and Services Development Act; amending s. 408.033, F.S.; providing for the level of funding for local health councils; amending s. 408.034, F.S.; requiring the nursing-home-bed-need methodology established by the Agency for Health Care Administration by rule to include a goal of maintaining a specified district average occupancy rate; amending s. 408.036, F.S., relating to health-care-related projects subject to review for a certificate of need; removing certain projects from and subjecting certain projects to expedited review

and revising requirements for other projects subject to expedited review; removing the exemption from review for certain projects; revising requirements for certain projects that are exempt from review; exempting certain projects from review; amending s. 408.038, F.S.; increasing fees of the certificate-of-need program; amending s. 408.039, F.S.; providing for approval of recommended orders of the Division of Administrative Hearings when the Agency for Health Care Administration fails to take action on an application for a certificate of need within a specified time period; amending s. 400.021, F.S.; revising the definition of “resident care plan”; amending s. 400.147, F.S.; revising the definition of “adverse incident”; revising adverse incident reporting requirements; amending s. 400.195, F.S.; conforming a cross reference; amending s. 400.211, F.S.; requiring nursing assistants to meet certain inservice training requirements to maintain certification; amending s. 400.23, F.S.; requiring agency records, reports, ranking systems, Internet information, and publications to reflect final agency actions; creating s. 400.244, F.S.; allowing nursing homes to convert beds to alternative uses as specified; providing restrictions on uses of funding under assisted-living Medicaid waivers; providing procedures; providing for the applicability of certain fire and life safety codes; providing applicability of certain laws; requiring a nursing home to submit to the Agency for Health Care Administration a written request for permission to convert beds to alternative uses; providing conditions for disapproving such a request; providing for periodic review; providing for retention of nursing home licensure for converted beds; providing for reconversion of the beds; providing applicability of licensure fees; requiring a report to the agency; creating the Hospital Statutory and Regulatory Reform Council; providing legislative intent; providing for membership and duties of the council; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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By Representative D. Davis and others—

**HB 1133**—A bill to be entitled An act relating to governmental efficiency and productivity; providing a legislative finding; requiring the Department of Management Services to issue an invitation to negotiate for the purpose of establishing a state term contract to conduct a review of certain agency contracts; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations; and Rules and Calendar.

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By Representative Gardiner—

**HB 1205**—A bill to be entitled An act relating to truck safety; amending s. 316.302, F.S.; revising provisions for exemption from specified notification requirements for commercial motor vehicles carrying hazardous materials; incorporating specified federal regulations; updating regulations and rules applicable to certain commercial motor vehicle owners and drivers; specifying ownership identification requirements for certain commercial motor carriers; providing penalties for violation of such requirements; providing for compliance reviews; deleting obsolete references; amending s. 316.3025, F.S.; correcting references; revising penalty provisions for specified violations; providing penalties for specified violations and noncompliance by certain commercial motor carriers; amending s. 316.3026, F.S.; providing the Office of Motor Carrier Compliance authority to issue out-of-service orders to certain commercial motor carriers; providing procedures; providing penalties for failure to comply; amending s. 316.515, F.S.; revising truck length limitations for described semitrailers under specified circumstances; amending s. 316.545, F.S.; providing that certain penalties shall be a lien on the vehicle; adding a cross reference; deleting specified receipt requirement; authorizing weight inspectors to detain described vehicles under specified circumstances; authorizing said inspectors to contact a law enforcement officer; amending s. 316.640, F.S.; revising provisions relating to law enforcement authority; repealing s. 316.3027, F.S., relating to identification required on commercial motor vehicles; repealing s. 316.610(3), F.S., relating to inspection of vehicles; amending s. 316.1937, F.S.; correcting a cross reference; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Representative Meador and others—

**HB 1243**—A bill to be entitled An act relating to timeshare plans; amending s. 721.02, F.S.; revising language with respect to legislative purpose under the Florida Vacation Plan and Timesharing Act; amending s. 721.03, F.S.; revising language with respect to the scope of the act to include reference to personal property timeshare plans; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising language with respect to contracts for purchase of timeshare interests to include provisions with respect to personal property timeshare interests; amending s. 721.065, F.S.; revising language with respect to resale purchase agreements to include reference to certain real property and personal property timeshare plans; amending s. 721.07, F.S.; revising language with respect to public offering statements; amending s. 721.075, F.S.; revising language with respect to incidental benefits, requiring purchasers to execute a statement indicating the source of the benefit; amending s. 721.08, F.S.; revising language with respect to escrow accounts; amending s. 721.09, F.S.; revising language with respect to reservation agreements; amending s. 721.11, F.S.; revising language with respect to advertising materials; correcting cross references; amending s. 721.12, F.S.; providing for required recordkeeping by the seller of a personal property timeshare plan; amending s. 721.13, F.S.; revising language with respect to management; amending s. 721.14, F.S.; providing that a section of law governing the discharge of the managing entity shall not apply with respect to personal property timeshare plans; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; amending s. 721.16, F.S.; providing that a section of law governing certain liens does not apply to personal property timeshare plans; amending s. 721.17, F.S.; revising language with respect to transfer of interest; amending s. 721.18, F.S.; revising language with respect to exchange programs; amending s. 721.19, F.S.; including reference to personal property timeshare interests; amending s. 721.20, F.S., relating to licensing requirements; providing for the application of certain provisions to personal property timeshare plans; amending s. 721.24, F.S.; exempting accommodations and facilities of personal property timeshare plans from a provision of law governing firesafety; amending s. 721.26, F.S.; revising language with respect to regulation by the division; amending s. 721.52, F.S.; redefining the term “multisite timeshare plan” and defining the terms “nonspecific multisite timeshare plan” and “specific multisite timeshare plan”; amending s. 721.53, F.S.; revising language with respect to subordination instruments; amending s. 721.54, F.S.; correcting a cross reference; amending s. 721.55, F.S.; providing reference to filed rather than registered public offering statements; providing reference to multisite timeshare plans; amending s. 721.551, F.S.; providing for reference to filed rather than registered public offering statements; amending s. 721.552, F.S.; providing reference to multistate timeshare plans; amending s. 721.56, F.S.; providing reference to personal property timeshare plans; amending s. 721.57, F.S.; revising language with respect to timeshare estates in multisite timeshare plans; amending s. 721.84, F.S.; revising language with respect to appointment of a registered agent; amending ss. 721.96 and 721.97, F.S.; including reference to personal property timeshare interests; amending ss. 475.011 and 718.103, F.S.; correcting cross references; providing for applicability; providing an effective date.

—was referred to the Committees on Regulated Industries; Comprehensive Planning; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Kottkamp—

**HB 1277**—A bill to be entitled An act relating to contracting; amending ss. 489.128 and 489.532, F.S.; clarifying that the prohibition on enforcement of construction contracts extends only to enforcement by the unlicensed contractor; clarifying the specific licensure status required and timing of licensure for purposes of determining the enforceability of a construction contract; clarifying the effect of an unenforceable contract on other contracts and obligations; clarifying that unlicensed contractors have no lien or bond rights; clarifying that sureties of unlicensed contractors have continuing bond obligations; amending s. 713.02, F.S., relating to liens for unlicensed contractors, subcontractors, or sub-subcontractors, to conform; amending s. 489.113, F.S.; requiring certain swimming pool work to be subcontracted; revising provisions for the scope of work that a licensed general contractor may perform; amending s. 489.117, F.S.; specifying conditions under which a person may perform specialty contracting services without obtaining a local

professional license; amending ss. 489.119 and 489.521, F.S.; revising license requirements for certain business organizations engaging in contracting; providing for retroactive application; providing legislative intent; providing severability; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; Commerce, Economic Opportunities, and Consumer Services; and Governmental Oversight and Productivity.

By Representative Waters and others—

**HB 1353**—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; revising definitions; including certain accounts, formerly certain associations, within the Citizens Property Insurance Corporation; including the Citizens Property Insurance Corporation within the operation of certain definitions; authorizing the State Board of Administration to charge interest on delinquent remittances to the Florida Hurricane Catastrophe Fund; expanding the insurers eligible for exemptions from certain reimbursement contract and premium provisions authorized by the board under certain circumstances; revising a reimbursement contract requirement; revising emergency assessment authority of the board relating to service of certain debt obligations; revising requirements, procedures, and limitations; providing responsibilities of surplus lines agents and the Florida Surplus Lines Service Office; revising powers and duties of the board; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Paul and others—

**HB 1363**—A bill to be entitled An act relating to phosphate mining; amending s. 211.3103, F.S.; revising the distribution of the excise tax on the severance of phosphate rock; setting the tax rate for specified periods; revising provisions with respect to application of the tax to the total production of the producer; revising dates with respect to calculation of the base rate adjustment for phosphate rock; setting a minimum base-rate limit; providing for review of the distribution of the tax by a specified date; amending s. 373.414, F.S.; revising conditions under which wetlands reclamation activities for phosphate and heavy minerals mining are considered appropriate mitigation under pt. IV of ch. 373, F.S.; requiring the Department of Environmental Protection to study cumulative impacts of changes in landform and hydrology in the Peace River Basin; providing study requirements; requiring the department to prepare and adopt a resource management plan for the Peace River Basin; providing plan requirements; providing for submission of the plan by a specified date; authorizing the department to use specified funds from the Nonmandatory Land Reclamation Trust Fund to prepare the study and plan; authorizing the department to establish a technical advisory committee for specified purposes; amending s. 378.021, F.S.; requiring the Department of Environmental Protection to amend the master reclamation plan that provides guidelines for the reclamation of specified lands mined or disturbed by the severance of phosphate rock and not subject to mandatory reclamation; providing additional criteria to be included in the amended master reclamation plan; amending s. 378.031, F.S.; clarifying provisions with respect to legislative intent to provide economic incentives for reclamation or acquisition of nonmandatory lands; amending s. 378.035, F.S.; revising provisions relating to the use of funds in the Nonmandatory Land Reclamation Trust Fund; deleting obsolete provisions; deleting provisions relating to the deposit and use of funds derived from registration fees under the phosphogypsum management program; revising the date after which the Department of Environmental Protection may not accept applications for nonmandatory land reclamation programs; eliminating requirements with respect to a specified report of the Bureau of Mine Reclamation; authorizing the department to petition the State Board of Administration for the issuance of bonds; setting a limit on the total amount of such bonds; providing for use of revenues derived from such bonds; amending s. 378.036, F.S.; authorizing specified entities to form a nonprofit corporation the purpose of which includes creating plans for and assisting in the development of recreational opportunities on lands mined for phosphate; providing composition, organization, and responsibilities of the corporation;

requiring a report; providing for dissolution of the corporation; providing for reversion of funds and tangible assets of the corporation; amending s. 378.101, F.S.; requiring the Florida Institute of Phosphate Research to conduct a specified bench and pilot scale study; providing an appropriation to fund the study; amending s. 378.212, F.S.; providing an additional reason for the granting of a variance from pt. III of ch. 378, F.S., relating to phosphate land reclamation; creating s. 403.0613, F.S., the "Environmental Good Samaritan Act"; providing immunity from civil liability for specified persons and entities in the event of a declared actual or impending environmental emergency; providing applicability; creating s. 403.162, F.S.; providing civil remedy to the Department of Environmental Protection in the event that an owner or operator fails to abate a release or threatened release of any hazardous substance, pollutant, or contaminant, or abate an imminent danger to the environment or to public health, and the department expends a specified amount on such abatement; providing procedure and requirements with respect thereto; amending s. 403.4154, F.S.; providing a third degree felony penalty for willfully, knowingly, or with reckless indifference or gross carelessness making specified distributions prior to correction of noncompliance with departmental rules requiring demonstration of financial responsibility with respect to closure of a phosphogypsum stack or stack system; providing a specified fine and term of imprisonment; providing that the failure of an owner or operator of a phosphogypsum stack system to comply with department rules requiring demonstration of financial responsibility with respect to closure may be considered by the department as evidence that a phosphogypsum stack poses an imminent hazard for purposes of initiating actions to abate or reduce the hazard; deleting provisions that provide for the refund of specified fee payments to the owner of a closed phosphogypsum stack; requiring the Department of Environmental Protection, by a specified date, to initiate rulemaking to require that phosphogypsum stack system operation plans be amended to add an interim stack system management plan; providing plan requirements; requiring the department, by a specified date, to initiate rulemaking to require that general plans and schedules for the closure of phosphogypsum stack systems include specified components; requiring the department to revise specified administrative rules to require the owner or operator of a phosphogypsum stack system to demonstrate financial responsibility for the costs of terminal closure in a manner that protects the environment and the public health and safety; amending s. 403.4155, F.S.; requiring the Department of Environmental Protection to revise specified administrative rules to require the owner or operator of a phosphogypsum stack system to demonstrate financial responsibility for the costs of terminal closure of the phosphogypsum stack system in a manner that protects the environment and the public health and safety; providing minimum requirements for such rules; providing severability; providing effective dates.

—was referred to the Committees on Natural Resources; Comprehensive Planning; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Representative Reagan and others—

**HB 1373**—A bill to be entitled An act relating to transportation administration; amending s. 95.361, F.S.; providing for government acquisition of certain roads; providing procedures to contest such acquisition; amending s. 255.20, F.S.; allowing certain local governmental entities to require prequalification of contractors for described transportation facilities construction; providing a condition for ineligibility; providing a presumption of eligibility for contractors prequalified by the Department of Transportation; providing for an appeal process to overcome that presumption; requiring publication of prequalification criteria and procedures prior to advertisement or notice of solicitation; requiring a public hearing; requiring a process for appeal; amending s. 330.27, F.S.; revising definitions; amending s. 330.29, F.S.; revising duties of the Department of Transportation; requiring the department to establish requirements for airport site approval, licensure, and registration; requiring the department to establish and maintain a state aviation facility data system; amending s. 330.30, F.S.; revising provisions for airport site approval; revising provisions for airport licensing; providing for a private airport registration process; specifying requirements for such licensing and registration; deleting airport license fees; providing for expiration and revocation of such license or registration; revising provisions for exemption from such registration and licensing requirements; exempting described areas and facilities from such requirements; providing described private airports the option to be inspected and licensed

by the department; amending s. 330.35, F.S.; revising provisions for airport zoning protection for public-use airports; amending s. 332.007, F.S.; extending time period of the department's authorization to fund certain security-related airport projects; amending s. 335.02, F.S.; providing that local government regulations shall not apply to existing or future transportation facilities on the State Highway System; amending s. 336.467, F.S.; providing for the department to enter into agreements with other governmental entities to acquire right-of-way; deleting certain project criteria for such agreements; amending s. 337.14, F.S.; revising timeframe for department to act on an application for qualification as a contractor; adding testing services to those activities that specified contractors may not qualify to perform; amending s. 337.18, F.S.; revising basis for determining certain incentive payments to contractors; deleting limitation on such payments; amending s. 337.401, F.S.; allowing the department under described circumstances to enter into permit-delegation agreements with other governmental entities for issuance of permit to use certain rights-of-way; amending s. 338.2216, F.S.; deleting an incorrect reference; designating Cesar Calas Way and Firpo Garcia Way in Miami-Dade County; designating Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway in Lake County; directing the Department of Transportation to erect suitable markers; repealing s. 339.12(10), F.S., relating to aid and contributions by governmental entities for department projects; providing effective dates.

—was referred to the Committees on Transportation; Comprehensive Planning; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Representative Homan and others—

**HB 1469**—A bill to be entitled An act relating to public lodging establishments; amending s. 509.013, F.S.; defining the term "handbill"; creating s. 509.144, F.S.; prohibiting the distribution of handbills on the premises of public lodging establishments; providing penalties; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Criminal Justice; and Regulated Industries.

By Representative Fields and others—

**HB 1511**—A bill to be entitled An act relating to colleges; amending s. 1000.21, F.S.; changing the names of Chipola Junior College and Miami-Dade Community College to Chipola College and Miami-Dade College, respectively; amending ss. 288.8175 and 1002.35, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Education; and Appropriations Subcommittee on Education.

By Representative Homan and others—

**HB 1517**—A bill to be entitled An act relating to pharmacy; amending s. 465.016, F.S.; providing for disciplinary action for dispensing a medicinal drug when the pharmacist knows or has reason to believe a prescription is not valid; amending s. 465.003, F.S.; providing a definition for "Internet pharmacy" and requiring such pharmacies to be licensed under ch. 465, F.S.; creating s. 465.0161, F.S.; prohibiting the distribution of medicinal drugs by an Internet pharmacy without a license; providing penalties; amending s. 895.02, F.S.; including violation of s. 465.0161, F.S., in the definition of "racketeering activity" for prosecution under ch. 895, F.S.; providing an effective date.

—was referred to the Committee on Health, Aging, and Long-Term Care.

By Representative Harper—

**HB 1555**—A bill to be entitled An act relating to the West Palm Beach Downtown Development Authority, Palm Beach County; codifying the

district's charter, chapters 67-2170, 77-664, 83-534, 84-540, 90-460, and 93-381, Laws of Florida; providing legislative intent; amending, codifying, and reenacting all special acts relating to the West Palm Beach Downtown Development Authority as a single act; repealing all prior special acts related to the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Gottlieb—

**HB 1569**—A bill to be entitled An act relating to Broward County; creating the Woodlands Independent District within the City of Tamarac; providing for boundaries; providing for the purpose and authority of the district; providing for powers, functions, and duties of the district relating to taxation, bonds, revenue raising capabilities, budget, liens, special assessments, non-ad valorem assessments, and contractual agreements; providing for election, organization, powers, duties, and compensation of the governing board of the district; providing for applicable financial notice and disclosure governing the district; providing for the issuance of bonds; providing for district elections; providing for methods of financing the district; providing for powers and duties as granted to neighborhood improvement districts; providing for powers to establish maintenance, security, aesthetic, and architectural standards within the district; providing for powers over streets and ways within the district; providing for a referendum; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Peterman and others—

**HB 1575**—A bill to be entitled An act relating to agency reorganization; transferring the Division of Retirement and its powers, duties, functions, components, and assets from the Department of Management Services to the State Board of Administration; amending s. 110.205, F.S.; providing status of division personnel under the Career Service System; amending ss. 20.22, 20.28, 112.05, 112.3173, 112.352, 112.354, 112.356, 112.358, 112.361, 112.362, 112.363, 112.625, 112.63, 112.64, 112.658, 112.661, 112.665, 121.021, 121.025, 121.031, 121.051, 121.0511, 121.0515, 121.052, 121.055, 121.081, 121.085, 121.091, 121.095, 121.101, 121.111, 121.133, 121.135, 121.136, 121.1815, 121.1905, 121.192, 121.193, 121.22, 121.23, 121.24, 121.30, 121.35, 121.40, 121.45, 121.4501, 121.403, 121.591, 121.5911, 121.72, 121.73, 121.74, 175.032, 175.121, 175.1215, 175.341, 185.02, 185.10, 185.105, 185.23, 215.20, 215.28, 215.44, 215.50, 215.52, 238.01, 238.02, 238.03, 238.05, 238.07, 238.08, 238.09, 238.10, 238.11, 238.12, 238.14, 238.15, 238.171, 238.181, 238.32, 650.02, 650.06, 122.02, 122.03, 122.05, 122.06, 122.07, 122.08, 122.09, 122.10, 122.12, 122.13, 122.15, 122.16, 122.23, 122.30, 122.34, 122.351, F.S., to conform to such transfer; providing duties of the Department of Financial Services with respect to issuing benefit payments under retirement plans; providing for the request and transfer of appropriations; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

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By Representative Goodlette and others—

**HB 1623**—A bill to be entitled An act relating to the Florida Business Corporations Act; amending s. 607.0120, F.S.; clarifying a document execution provision relating to filing requirement; amending s. 607.0122, F.S.; clarifying an agent statement of resignation fee provision; amending s. 607.0123, F.S.; clarifying an effective time and date of document provision; amending s. 607.0124, F.S.; clarifying a filed document correction provision; amending s. 607.0141, F.S.; revising certain required notice provisions; providing for nonapplication to certain provisions; amending s. 607.0401, F.S.; clarifying a corporate name provision; providing construction relating to a corporate name; amending s. 607.0505, F.S.; providing for agent designation withdrawals by alien

business organizations; amending s. 607.0630, F.S.; clarifying shareholder's preemptive rights provisions relating to certain securities; amending s. 607.0701, F.S.; providing for remote communications at annual shareholder meetings; providing requirements; amending s. 607.0702, F.S.; providing for remote communications at special shareholder meetings; providing requirements; amending s. 607.07401, F.S.; revising a complaint verification and allegation requirement under a shareholder derivative action provision; amending s. 607.0902, F.S.; revising a notice of shareholder meeting requirement; providing construction of control shares voting rights; deleting a rights of dissenting shareholders provision; amending s. 607.10025, F.S.; clarifying certain articles of incorporation provisions; amending s. 607.1004, F.S.; clarifying certain voting group amendment voting provisions; amending s. 607.1006, F.S.; clarifying certain execution of articles of amendment provisions; amending s. 607.1103, F.S.; clarifying a notification of certain plan actions provision; amending s. 607.1104, F.S.; clarifying a merger of subsidiary corporation plan of merger information requirement; amending s. 607.1108, F.S.; correcting a cross reference; amending s. 607.11101, F.S.; clarifying certain effect of merger provisions; amending s. 607.1202, F.S.; clarifying a notice requirement relating to certain sales of assets; amending s. 607.1301, F.S.; providing definitions relating to appraisal rights; amending s. 607.1302, F.S.; providing for shareholders' rights to appraisals under certain circumstances; providing limitations; providing for limiting or eliminating appraisal rights under certain circumstances; prohibiting certain corporate action challenges under certain circumstances; creating s. 607.1303, F.S.; providing procedures, requirements, and limitations for assertion of rights by nominees and beneficial owners; amending s. 607.1320, F.S.; providing requirements for notice of appraisal rights; creating s. 607.1321, F.S.; providing requirements for notice of intent to demand payment; creating s. 607.1322, F.S.; providing appraisal notice and form requirements; creating s. 607.1323, F.S.; providing procedures, requirements, and limitations for perfection of appraisal rights; providing for right to withdraw under certain circumstances; creating s. 607.1324, F.S.; providing procedures and requirements for shareholders' acceptance of certain offers; creating s. 607.1326, F.S.; providing procedures for shareholder dissatisfaction with certain offers; providing for waiver of certain rights; creating s. 607.1331, F.S.; providing for assessment and award of court costs and attorney fees under certain circumstances; creating s. 607.1332, F.S.; providing for disposition of certain acquired shares; creating s. 607.1333, F.S.; providing limitations on corporate payouts; providing certain shareholder notice requirements; amending s. 607.1403, F.S.; providing for execution of articles of dissolution; clarifying requirements; amending s. 607.1406, F.S.; clarifying provisions relating to claims against dissolved corporations; creating s. 607.1407, F.S.; providing procedures and requirements for administration of unknown claims against dissolved corporations; providing conditions under which certain claims are barred; amending s. 607.1422, F.S.; revising procedural requirements for reinstatement after administrative dissolution; amending s. 607.1503, F.S.; clarifying certain foreign corporation name requirements; amending s. 607.1504, F.S.; revising certain execution procedures and requirements for amended certificates of authority; amending s. 607.1506, F.S.; clarifying name requirements for foreign corporations; creating s. 607.1605, F.S.; providing requirements, procedures, and limitations on inspection of corporate records by directors; amending s. 607.1622, F.S.; deleting an annual report information requirement relating to corporate liability for certain taxes; amending s. 607.1907, F.S.; clarifying an effect of repeal of prior acts provision; repealing s. 607.0903, F.S., relating to application of certain provisions to foreign corporations; providing effective dates.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Judiciary; and Rules and Calendar.

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By Representative Zapata and others—

**HB 1687**—A bill to be entitled An act relating to governmental reorganization; creating s. 20.101, F.S.; creating the Department of State and Community Affairs; providing the mission of the department; providing that the department shall be headed by a secretary appointed by and serving at the pleasure of the Governor; establishing divisions within the department; providing that the Florida Housing Finance Corporation and the Division of Emergency Management shall be placed in the department for administrative purposes; requiring appointment of division directors; providing for the appointment of deputy and assistant secretaries; providing for the establishment of bureaus, sections, and

subsections deemed necessary by the secretary for certain purposes, under certain conditions; providing for the appointment of directors or executive directors of any commission or council; providing for the appointment by the Governor of the director of the Division of Emergency Management; repealing s. 20.10, F.S., relating to the Department of State; repealing s. 20.18, F.S., relating to the Department of Community Affairs; providing for the transfer of programs, functions, activities, powers, duties, rules, records, personnel, property, and unexpended balances among certain state agencies; providing that the Secretary of State shall continue in office as the secretary of the Department of State and Community Affairs without further appointment or confirmation; providing transitional provisions; amending ss. 11.011, 11.021, 11.03, 11.07, 15.01, 15.02, 15.03, 15.07, and 15.155, F.S., to conform; amending s. 257.36, F.S.; deleting responsibilities regarding the records and information management program; providing that certain fees shall not be deposited in the Records Management Trust Fund; creating s. 257.361, F.S.; providing responsibilities for records storage to the Department of Management Services; directing the Division of Statutory Revision to prepare a reviser's bill for the 2004 Regular Session of the Legislature; amending s. 163.3167, F.S.; providing that if a local government grants a quasi-judicial development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal, the right to commence and complete development pursuant to the order may not be abrogated by a subsequent judicial determination that such land development regulations, or any portion thereof, are invalid because of a deficiency in the approval standards; retaining certain legal rights; providing for retroactive application; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar.

By the Committee on Public Safety and Crime Prevention; and Representative Barreiro and others—

**HB 1741**—A bill to be entitled An act relating to juvenile sentencing; amending s. 985.231, F.S.; authorizing a judge to sentence a delinquent child to a specific commitment program or facility of the Department of Juvenile Justice; specifying time limits to hold a child in secure detention while awaiting placement into a specific program or facility ordered by the court; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(e) and (k), and 985.311(3)(e), F.S., to incorporate by reference the amendment to s. 985.231, F.S.; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By the Committee on Education K-20; and Representative Kilmer—

**HB 1745**—A bill to be entitled An act relating to higher education finance policy; amending s. 1009.21, F.S.; revising provisions relating to determination of resident status for tuition purposes; providing for reclassification; providing for classification of certain graduate teaching assistants or graduate research assistants; amending s. 1009.23, F.S.; deleting provisions relating to fines assessed by community colleges; amending s. 1009.24, F.S.; revising provisions relating to undergraduate tuition and fees; authorizing a nonrefundable admissions deposit; amending s. 1009.25, F.S.; revising provisions relating to fee exemptions; amending s. 1009.53, F.S., relating to the Florida Bright Futures Scholarship Program; revising provisions relating to payment to postsecondary education institutions; providing for subsidies to institutions; specifying minimum hours for which students must be enrolled; amending s. 1009.531, F.S.; correcting a cross reference; revising initial eligibility criteria; providing eligibility period for students who enlist in the United States Armed Forces; providing for additional weighting for certain courses; amending s. 1009.532, F.S.; revising eligibility criteria to renew a Florida Bright Futures Scholarship; revising provisions relating to number of credit hours for which a scholarship may be received; amending s. 1009.534, F.S.; revising initial eligibility criteria for a Florida Academic Scholarship; revising provisions relating to the amount of a scholarship; authorizing cash payments; revising renewal criteria; providing exception to award amount for 2003-2004 fiscal year; amending s. 1009.535, F.S.; revising initial eligibility criteria for a Florida

Medallion Scholarship; revising provisions relating to the amount of a scholarship; authorizing cash payments; revising renewal criteria; providing exception to award amount for 2003-2004 fiscal year; amending s. 1009.536, F.S.; revising the types of programs for which a Florida Gold Seal Vocational Scholarship may be used; requiring the State Board of Education to identify such programs; revising provisions relating to the amount of a scholarship; authorizing cash payments; revising renewal criteria; revising provisions relating to number of credits for which a scholarship may be received; revising provisions relating to transfer to a Florida Medallion Scholarship; providing exception to award amount for 2003-2004 fiscal year; creating s. 1009.5365, F.S.; providing for subsidies to public postsecondary education institutions; providing requirements for establishing the amount of subsidies; providing legislative intent regarding the Florida Prepaid College Program; providing legislative findings; requiring a report by the Revenue Estimating Conference; repealing s. 1009.538, F.S., relating to calculation of awards for Florida Bright Futures Scholarship recipients attending nonpublic institutions; repealing s. 1009.539, F.S., relating to the Florida Bright Futures Scholarship Testing Program; requiring the State Board of Education to submit to the Legislature a plan regarding tuition and funding for excess hours; amending s. 1002.41, F.S.; correcting a cross reference; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By the Committee on State Administration; and Representative Mack—

**HB 1807**—A bill to be entitled An act relating to public records; amending s. 18.20, F.S.; removing photographic film reproductions of specified vouchers or checks paid by the State Treasurer and preserved as records of the office of the Treasurer from classification as permanent records; creating s. 39.2021, F.S.; relocating the provision allowing a person or organization to petition the court for access to records of the Department of Children and Family Services; amending s. 119.01, F.S.; establishing state policy with respect to public records; requiring governmental agencies to consider certain factors in designing or acquiring electronic recordkeeping systems; providing certain restrictions with respect to electronic recordkeeping systems and proprietary software; requiring governmental agencies to provide copies of public records stored in electronic recordkeeping systems; authorizing agencies to charge a fee for such copies; specifying circumstances under which the financial, business, and membership records of an organization are public records; amending s. 119.011, F.S.; providing definitions; correcting cross references; repealing ss. 119.0115, 119.012, and 119.02, F.S., relating to specified exemption for certain videotapes and video signals, records made public by the use of public funds, and penalties for violation of public records requirements by a public officer; amending s. 119.021, F.S.; providing requirements for governmental agencies in maintaining and preserving public records; requiring the Division of Library and Information Services of the Department of State to adopt rules for retaining and disposing of public records; authorizing the division to provide for archiving certain noncurrent records; providing for the destruction of certain records and the continued maintenance of certain records; providing for the disposition of records at the end of an official's term of office; requiring that a custodian of public records demand delivery of records held unlawfully; repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S., relating to the retention and disposal of public records and the delivery of records held unlawfully; amending s. 119.07, F.S.; revising provisions governing the inspection and copying of public records; establishing fees for copying; providing requirements for making photographs; authorizing additional means of copying; repealing s. 119.08, F.S., relating to requirements for making photographs of public records; amending s. 119.084, F.S.; deleting certain provisions governing the maintenance of public records in an electronic recordkeeping system; repealing ss. 119.085 and 119.09, F.S., relating to remote electronic access to public records and the program for records and information management of the Department of State; amending s. 119.10, F.S.; clarifying provisions with respect to penalties for violations of ch. 119, F.S.; amending s. 119.105, F.S.; clarifying provisions under which certain police reports may be exempt from the public records law; amending s. 120.55, F.S.; revising language with respect to publication of the Florida Administrative Code to provide that the Department of State is required to compile and publish the code through a continuous revision system; amending s. 257.36, F.S.; providing procedure with respect to official

custody of records upon transfer of duties or responsibilities between state agencies or dissolution of a state agency; amending s. 328.15, F.S.; revising the classification of records of notices and satisfaction of liens on vessels maintained by the Department of Highway Safety and Motor Vehicles; amending s. 372.5717, F.S.; revising the classification of records of hunter safety certification cards maintained by the Fish and Wildlife Conservation Commission; creating s. 415.1071, F.S.; relocating the provision allowing a person or organization to petition the court for access to records of the Department of Children and Family Services; amending s. 560.121, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.123, F.S.; decreasing the period of retention for specified reports filed by money transmitters with the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.129, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 624.311, F.S.; authorizing the Department of Insurance to maintain an electronic record-keeping system for specified records, statements, reports, and documents; eliminating a standard for the reproduction of such records, statements, reports, and documents; amending s. 624.312, F.S.; providing that reproductions from an electronic recordkeeping system of specified documents and records of the Department of Insurance shall be treated as originals for the purpose of their admissibility in evidence; amending s. 633.527, F.S.; decreasing the period of retention for specified examination test questions, answer sheets, and grades in the possession of the Division of State Fire Marshal of the Department of Insurance; amending s. 655.50, F.S.; revising requirements of the Department of Banking and Finance with respect to retention of copies of specified reports and records of exemption submitted or filed by financial institutions under the Florida Control of Money Laundering in Financial Institutions Act; amending s. 945.25, F.S.; requiring the Department of Corrections to obtain and place in its records specified information on every person who may be sentenced to supervision or incarceration under the jurisdiction of the department; eliminating a requirement of the department, in its discretion, to obtain and place in its permanent records specified information on persons placed on probation and on persons who may become subject to pardon and commutation of sentence; amending s. 985.31, F.S.; revising the classification of specified medical files of serious or habitual juvenile offenders; repealing s. 212.095(6)(d), F.S., which requires the Department of Revenue to keep a permanent record of the amounts of refunds claimed and paid under ch. 212, F.S., and which requires that such records shall be open to public inspection; repealing s. 238.03(9), F.S., relating to the authority of the Department of Management Services to photograph and reduce to microfilm as a permanent record its ledger sheets showing the salaries and contributions of members of the Teachers' Retirement System of Florida and the records of deceased members of the system, and the authority to destroy the documents from which such films derive; correcting a cross reference; amending ss. 15.09, 23.22, 101.5607, 112.533, 1012.31, 257.34, 257.35, 282.21, 287.0943, 320.05, 322.20, 338.223, 378.406, 400.0077, 401.27, 403.111, 409.2577, 455.219, 456.025, 627.311, 627.351, 633.527, 668.50, and 794.024, F.S.; conforming cross references; reenacting s. 947.13(2)(a), F.S., relating to the duty of the Parole Commission to examine specified records, to incorporate the amendment to s. 945.25, F.S., in a reference thereto; repealing s. 430.015, F.S., which provides a public necessity statement for a Department of Elderly Affairs public records exemption; amending s. 440.132, F.S.; eliminating a public necessity statement for an Agency for Health Care Administration public records exemption; repealing s. 723.0065, F.S., which provides a public necessity statement for a Division of Florida Land Sales, Condominiums, and Mobile Homes public records exemption; repealing s. 768.301, F.S., which provides a public necessity statement for a public records and public meetings exemption regarding state administered risk management programs; repealing s. 815.045, F.S., which provides a public necessity statement for a public records exemption regarding trade secret information held by an agency; amending s. 943.031, F.S.; eliminating a public necessity statement for a Florida Violent Crime and Drug Control Council public records and public meetings exemption; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations; and Rules and Calendar.

By the Committee on State Administration; and Representative Mack—

**HB 1869**—A bill to be entitled An act relating to government; providing a legislative finding; requiring the Department of Management Services to issue an invitation to negotiate for the purpose of establishing a state term contract to conduct a review of certain agency contracts; amending s. 110.107, F.S.; providing definitions; amending s. 110.116, F.S.; authorizing the Department of Management Services to contract with a vendor to provide the personnel information system; amending s. 110.1245, F.S.; revising language regarding employee recognition; deleting a 5-year employment requirement for certain recognition; amending s. 110.152, F.S.; revising payment schedules for adoption benefits for state employees; amending s. 110.191, F.S.; correcting a cross reference; amending s. 110.2035, F.S.; deleting requirement that the Department of Management Services consult with the Executive Office of the Governor and the Legislature with regard to a compensation and classification program; providing requirements for the program; providing duties and responsibilities to the department with respect to employment actions by other agencies; providing rule adoption authority; providing that employing agencies shall have the responsibility for the day-to-day application of such rules; providing additional authority and responsibilities for employing agencies; requiring the Department of Management Services to establish and maintain an equitable pay plan for use by state agencies; providing authority and responsibilities of the department and employing agencies with respect to such plan; amending s. 110.205, F.S.; conforming language; amending s. 110.213, F.S.; providing that agencies shall ensure that candidates for employment are properly licensed, certified, or registered, when required by law; amending s. 110.227, F.S.; providing for a 1-year probationary period for Career Service employees; revising procedures with respect to the employee grievance process; correcting a cross reference; amending ss. 110.406, 110.603, and 110.606, F.S.; conforming language; amending s. 215.92, F.S.; redefining the term "functional owner"; amending s. 215.93, F.S.; authorizing the Department of Management Services to contract with private entities to design, develop, and implement the department's information systems and subsystems; amending s. 215.94, F.S.; providing that the Department of Management Services is the functional owner of the personnel information system; amending s. 216.011, F.S.; correcting a cross reference; repealing s. 110.203, F.S., relating to definitions; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations; and Rules and Calendar.

By the Committee on State Administration; and Representative Mack—

**HB 1879**—A bill to be entitled An act relating to government accountability; amending s. 11.40, F.S.; combining the Office of the Auditor General and the Office of Program Policy Analysis and Government Accountability into the Office of Government Accountability; amending s. 11.42, F.S.; deleting qualifications for employees of the Auditor General's Office; deleting the provisions relating to the headquarters of the Auditor General; deleting provisions relating to payrolls and vouchers of the Auditor General; deleting the provisions relating to employment restrictions for employees of the Auditor General; authorizing the Office of Government Accountability to perform certain reviews; creating s. 11.421, F.S.; creating the Office of Government Accountability; designating the Auditor General as the head of the Office of Government Accountability; requiring the Auditor General to appoint a Deputy Auditor General to direct the Division of Policy Analysis and Agency Review; requiring the Deputy Auditor General to have experience in policy analysis and program evaluation; providing for the Legislative Auditing Committee to confirm appointment of the Deputy Auditor General; providing qualifications for employees of the Office of Government Accountability; authorizing certain persons to be employed as a financial auditor or a legal advisor in the Office of Government Accountability; providing for the headquarters and field offices of the Office of Government Accountability; providing for payrolls and vouchers of the Office of Government Accountability; prohibiting employees of the Office of Government Accountability from certain activities; amending s. 11.45, F.S.; assigning certain duties to the Office of Government Accountability; assigning the authority to conduct audits and other engagements to the Office of Government Accountability; requiring audited entities to provide for a corrective action plan when determined necessary by the Auditor General;



requiring certain entities to provide additional data and other information related to their corrective action plan; requiring the Office of Government Accountability to perform followup procedures; requiring the Office of Government Accountability to provide a copy of its determination of the audited entity's progress to certain entities; providing for certain responsibilities of the Office of Government Accountability; providing criteria for audits of municipalities based on a certified petition; providing for the adoption of rules by the Office of Government Accountability; amending s. 11.47, F.S.; replacing the Office of the Auditor General and the Office of Program Policy Analysis and Government Accountability with the Office of Government Accountability; repealing ss. 11.51 and 11.511, F.S., relating to the Office of Program Policy Analysis and Government Accountability and its director; amending s. 11.513, F.S.; requiring certain reviews to be conducted by the Office of Government Accountability instead of the Office of Program Policy Analysis and Government Accountability; deleting the due dates for reviews; amending s. 14.203, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Office of Program Policy Analysis and Government Accountability; amending s. 17.041, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General; amending s. 20.055, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General; revising responsibilities of state agency inspectors general concerning followup of reports issued by the Office of Government Accountability; amending s. 20.50, F.S.; correcting a cross reference; amending ss. 20.23, 24.105, 24.108, 24.120, 24.123, 25.075, 39.202, 68.085, and 68.087, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; repealing s. 70.20(13), F.S., relating to a review conducted by the Office of Program Policy Analysis and Government Accountability; amending ss. 110.116, 112.061, and 112.324, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; repealing s. 112.658, F.S., relating to a review by the Office of Program Policy Analysis and Government Accountability of the Florida Retirement System; amending ss. 119.07, 121.051, 121.055, 125.01, 136.08, 154.11, 163.2526, 163.3246, 189.4035, 189.412, 189.428, 192.0105, 193.074, 193.1142, 195.027, and 195.084, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; amending ss. 196.101 and 213.053, F.S.; deleting references to the Office of Program Policy Analysis and Government Accountability and the director of the office; repealing s. 215.44(6), F.S., relating to a review of State Board of Administration by the Office of Program Policy Analysis and Government Accountability; amending ss. 215.93, 215.94, 215.97, 215.981, 216.023, 216.102, 216.141, 216.163, 216.177, 216.178, 216.181, 216.192, 216.231, and 216.262, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; amending s. 216.292, F.S.; deleting references to the director of the Office of Program Policy Analysis and Government Accountability; amending ss. 216.301, 218.31, 218.32, 218.39, 220.187, 243.73, 253.025, 259.037, 259.041, 267.1732, 273.02, 273.05, 273.055, 274.02, 282.318, 282.322, 287.045, 287.058, 287.0943, 287.115, and 287.17, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; amending s. 288.1224, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Office of Program Policy Analysis and Government Accountability; deleting a review completed by the Office of Program Policy Analysis and Government Accountability; amending s. 288.1226, 288.1227, 288.7011, 288.7091, 288.7092, and 288.90151, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; amending s. 288.905, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Office of Program Policy Analysis and Government Accountability; deleting provisions relating to a review completed by the Office of Program Policy Analysis and Government Accountability; amending ss. 288.906, 288.9517, 288.9604, 290.00689, 296.17, 296.41, 298.17, 310.131, 320.023, 320.08058, 320.08062, 322.081, and 322.135, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; repealing s. 324.202, F.S., relating to a completed pilot project in the Department of Highway Safety and Motor Vehicles and a review completed by the Office of Program Policy Analysis and Government Ac-

countability; amending ss. 331.419, 334.0445, 336.022, 339.406, 365.173, 373.45926, 373.4595, 373.536, 403.1835, 403.8532, and 409.2563, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; amending s. 411.01, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Office of Program Policy Analysis and Government Accountability; deleting an obsolete requirement relating to a completed review by the Office of Program Policy Analysis and Government Accountability; amending ss. 411.011, 411.221, 421.091, and 427.705, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; amending ss. 443.1316 and 445.003, F.S.; deleting an obsolete requirement relating to a review completed by the Office of Program Policy Analysis and Government Accountability; amending s. 445.004, F.S.; deleting the Auditor General's authority to conduct an audit of Workforce Florida, Inc.; assigning responsibilities to the Office of Government Accountability formerly held by the Office of Program Policy Analysis and Government Accountability; amending s. 445.009, F.S.; deleting an obsolete requirement relating to a review completed by the Office of Program Policy Analysis and Government Accountability; amending s. 445.011, F.S.; correcting a cross reference; amending ss. 446.609, 455.32, 471.038, and 527.22, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; amending s. 550.125, F.S.; providing that certain audits and examinations by the Office of Government Accountability shall take place pursuant to the direction of the Auditor General and the Legislative Auditing Committee; amending ss. 601.15, 616.263, 744.708, 943.25, 944.105, 944.512, 944.719, 946.516, 948.15, 957.07, 957.11, 985.31, 985.412, 985.416, 1001.24, 1001.453, and 1002.22, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; repealing s. 1002.36(3), F.S., relating to audit by the Auditor General of the Florida School for the Deaf and the Blind; amending ss. 1002.37, 1004.28, 1004.29, 1004.43, and 1004.445, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; amending s. 1004.58, F.S.; removing the director of the Office of Program Policy Analysis and Government Accountability from the Leadership Board for Applied Research and Public Service; amending ss. 1004.70, 1004.78, 1005.37, 1006.07, 1006.19, 1008.35, 1008.46, 1009.265, 1009.53, 1009.976, 1009.983, 1010.305, 1011.10, 1011.51, 1013.35, and 1013.512, F.S.; assigning responsibilities to the Office of Government Accountability formerly held by the Auditor General or the Office of Program Policy Analysis and Government Accountability; amending s. 34, ch. 2002-22, Laws of Florida; requiring the Office of Government Accountability rather than the Office of Program Policy Analysis and Government Accountability to conduct a review of the progress of the Division of Vocational Rehabilitation and to prepare a report; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Education K-20; and Representative Kilmer—

**HB 1899**—A bill to be entitled An act relating to educator certification and discipline; amending s. 1012.56, F.S.; requiring an affidavit for educator certification; creating s. 1012.561, F.S.; requiring certified educators and applicants for certification to provide notification of change of address; authorizing service by regular mail for certain purposes; amending s. 1012.79, F.S.; revising the number of members required for certain panels of the Education Practices Commission; amending s. 1012.795, F.S., relating to the Education Practices Commission's authority to discipline; revising grounds for discipline; providing penalties; amending s. 1012.796, F.S.; requiring certain agencies to provide unredacted documents to the Department of Education for purposes of investigating and prosecuting certified educators; providing requirements for an educator who is on probation; revising penalties that the Education Practices Commission may impose; revising criteria for the use of an order to show cause; amending s. 1012.798, F.S.; revising provisions relating to the recovery network program for educators; amending s. 943.0585, F.S.; allowing certain employers of educators to have access



to expunged records; amending s. 943.059, F.S.; allowing certain employers of educators to have access to sealed records; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By the Committee on Public Safety and Crime Prevention; and Representative Barreiro—

**HB 1911**—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S.; defining the term “animal fighting”; revising the elements of the crime of animal fighting or baiting; prohibiting certain acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; amending ss. 933.02 and 933.18, F.S.; revising provisions relating to the issuance of search warrants and grounds therefor when laws in relation to cruelty to animals have been or are being violated; providing an effective date.

—was referred to the Committees on Agriculture; and Criminal Justice.

By Representative Reagan and others—

**HJR 659**—A joint resolution proposing the creation of Section 22 of Article X of the State Constitution relating to the Florida Hurricane Catastrophe Fund.

—was referred to the Committees on Banking and Insurance; Appropriations; and Rules and Calendar.

By the Committee on State Administration; and Representative Berfield and others—

**HB 1905**—A bill to be entitled An act relating to a public records and public meetings exemption for the Health Care Professional Liability Insurance Facility; creating s. 627.3576, F.S.; creating exemptions from public records requirements for underwriting files, open claims files, records obtained or generated by an internal auditor for a specified time, licensed proprietary information made confidential by contract, employee assistance program records, information relating to negotiations for financing, reinsurance, or contractual services for a specified time, minutes of closed meetings regarding confidential and exempt underwriting files, and minutes of closed meetings regarding confidential and exempt claims files for a specified time, held by the facility; creating an exemption from public meetings requirements for Health Care Professional Liability Insurance Facility meetings during which confidential and exempt underwriting files or confidential and exempt claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Benson and others—

**HB 491**—A bill to be entitled An act relating to an exemption from public records requirements of certain information held by the Florida Institute for Human and Machine Cognition, Inc.; creating an exemption from public records requirements for specified materials, actual and potential trade secrets, patentable material, proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and its subsidiaries, business transactions resulting from such research, information received by the corporation or a subsidiary from a person from another state or nation or the Federal Government which is otherwise confidential or exempt, information received by the corporation or a subsidiary in the

performance of its duties and responsibilities which is otherwise confidential and exempt, and identifying information of a donor or prospective donor to the corporation or a subsidiary; providing for specified access to certain information by governmental entities; creating an exemption from public meetings requirements for portions of meetings of the corporation or a subsidiary at which confidential or exempt information is presented or discussed; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

## RETURNING MESSAGES—FINAL ACTION

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed SB 40, SB 278, SB 524, SB 634, SB 732, SB 954, SB 1024, SB 1162, CS for SB 2164, SB 2190, SB 2260, SB 2294, SB 2466 SB 2586, SB 2680, SB 2826, SB 2850, SB 2884, SB 2890, CS for SB 20, CS for SB 30, CS for SB 54, CS for SB 56, CS for SB 90, CS for SB 308, CS for SB 460, CS for SB 554, CS for SB 676, CS for SB 726, CS for SB 738, CS for SB 956, CS for SB 1126, CS for SB 1176, CS for SB 1374, CS for SB 1442, CS for SB 1522, CS for SB 1650, CS for SB 1742, CS for SB 1838, CS for SB 1896, CS for SB 1992, CS for SB 1944, CS for SB 1954, CS for SB 2042, CS for SB 2046, CS for SB 2248, CS for SB 2312, CS for SB 2348, CS for SB 2364, CS for SB 2388, CS for SB 2462, CS for SB 2624, CS for SB 2708, CS for CS for SB 140, 998, 1060, CS for CS for SB 428, CS for CS for SB 958, CS for CS for SB 1072, CS for CS for SB 1138, CS for CS for SB 1300, CS for CS for SB 1428, CS for CS for SB 1434, CS for CS for SB 1660, CS for CS for SB 2264, CS for CS for SB 2446, CS for CS for SB 2464, and CS for CS for SB 2520.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed SB 816, SB 814 and SB 848 by the required Constitutional three-fifths vote of the membership of the House.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 79, HB 287, HB 513 and HB 945, as amended.

*John B. Phelps, Clerk*

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

## CO-SPONSORS

Senators Atwater—CS for CS for SB 52, SB 82, CS for SB 160, CS for SB 162, SB 174, CS for SB 260, CS for SB 294, CS for SB 320, CS for CS for SB 428, CS for SB 480, SB 482, CS for CS for CS for SB 592, SB 640, CS for SB 642, CS for SB 1050, CS for CS for SB 1072, CS for SB 1098, CS for SB 1182, CS for SB 1216, CS for CS for SB 1318, SB 1334, CS for CS for SB 1434, CS for CS for SB 1616, CS for CS for SB 1626, CS for SB 1734, CS for SB 2030, CS for SB 2084, CS for SB 2148, SB 2180, CS for SB 2296, CS for CS for SB 2312, CS for SB 2322, CS for SB 2348, CS for SB 2350, CS for SB 2366, CS for SB 2378, SB 2576, SB 2586, SB 2802; Bullard—CS for SB 338, CS for CS for SB 400, CS for SB 676, CS for CS for SB 696, CS for CS for SB 700, CS for SB 1522, SB 1538, CS for SB

2054, CS for SB 2186, CS for CS for SB 2578, CS for CS for SB 2658, CS for CS for SB 2738, CS for SB 2750; Cowin—CS for SB 1974; Crist—CS for CS for SB 574; Diaz de la Portilla—SB 1490; Haridopolos—CS for SB 1098; Siplin—CS for SB 2110, CS for SB 2316, SB 2486, CS for CS for SB 2658, CS for SB 2758

Senator Lee withdrew as a co-sponsor of SB 1490.

### VOTES RECORDED

Senator Fasano was recorded as changing his vote from “yea” to “nay” on **CS for SB 2364** which was considered May 1.

Senator Geller was recorded as changing his vote from “yea” to “nay” on **CS for SB 934** which was considered April 3.

Senator Lynn was recorded as voting “yea” on **CS for SB 18** which was considered May 1.

Senator Margolis was recorded as changing her vote from “yea” to “nay” on **CS for SB 934** which was considered April 3 and changing her vote from “yea” to “nay” on **CS for SB 626** which was considered April 28.

### ADJOURNMENT

On motion by Senator Villalobos, the Senate adjourned sine die at 6:15 p.m.

### BILL ACTION SUMMARY

#### FRIDAY, MAY 2, 2003

S 6	Veto Message transmitted to Secretary of State	S 1528	Companion bill passed; refer to HB 1869
S 100	Veto Message transmitted to Secretary of State	S 1538	Read third time; Passed as amended 37-0
S 160	Veto Message transmitted to Secretary of State	S 1542	Read second time; Read third time; CS passed 38-1
S 276	Veto Message transmitted to Secretary of State	S 1578	Read third time; CS passed as amended 38-0
S 374	Veto Message transmitted to Secretary of State	S 1770	Read second time; Read third time; CS passed as amended 37-0; Requested House to return
S 1554	Veto Message transmitted to Secretary of State	S 1822	Concurred; CS passed as amended 39-0
S 1822	Veto Message transmitted to Secretary of State; Veto Message transmitted to Secretary of State, Companion bills passed; refer to CS for HB 385 (Ch. 2002-282), CS for CS for SB 432 (Ch. 2002-25), CS for SB 1418 (Ch. 2002-240), CS for SB 2192 (Ch. 2002-247)	S 1956	Read third time; CS passed as amended 38-0
S 48	Companion bill passed; refer to HB 1689	S 2030	Companion bill passed; refer to HB 847
S 162	Concurred; CS passed as amended 38-0	S 2118	Read second time; Read third time; CS passed as amended 36-0
S 204	Concurred; CS passed as amended 35-1	S 2186	Read third time; CS passed as amended 37-0
S 260	Concurred; CS passed as amended 39-0	S 2260	Read third time; CS passed as amended 39-0
S 270	Read third time; Passed 38-0	S 2264	Read third time; CS passed as amended 38-0
S 326	Read third time; CS passed 37-0	S 2266	Read third time; CS passed as amended 37-1
S 338	Companion bill passed; refer to HB 195	S 2284	Read third time; Passed as amended 38-0
S 572	Read second time; Amendment pending; Pending amendment adopted; Read third time; CS passed as amended 37-0	S 2328	Companion bill passed; refer to HB 315
S 574	Read third time; CS passed as amended 40-0; Requested House to return; Reconsidered; CS passed as amended 38-0	S 2350	Companion bill passed; refer to HB 1911
S 676	Read third time; CS passed as amended 37-0	S 2362	Companion bill passed; refer to HB 1623
S 1020	Pending amendment withdrawn	S 2366	Concurred; CS passed as amended 33-6
S 1098	Concurred; CS passed as amended 38-0	S 2368	Read second time; Read third time; Passed as amended 39-0
S 1116	Companion bill passed; refer to HB 1527	S 2460	Read third time; CS passed as amended 38-0
S 1176	Read second time; Read third time; CS passed as amended 37-0	S 2464	Read third time; CS passed as amended 38-0
S 1204	Read second time; Adopted	S 2492	Read third time; CS passed as amended 38-0
S 1224	Read second time; Read third time; CS passed as amended 38-0	S 2546	Read second time; Amendment pending
S 1254	Read second time; Read third time; CS passed 36-0	S 2560	Read second time; Amendment pending; Pending amendment adopted; Amendment pending
S 1260	Read second time; Read third time; Passed as amended 39-0	S 2566	Read third time; CS passed as amended 38-0
S 1334	Concurred; CS passed as amended 40-0	S 2568	Concurred; CS passed as amended 36-0
S 1350	Read second time; Amendment pending	S 2586	Read third time; Passed as amended 27-12
S 1362	Read second time; Read third time; CS passed 37-1	S 2654	Read third time; CS passed 36-1
S 1374	Read third time; CS passed as amended 37-0	S 2688	Substituted HB 435; Laid on Table, refer to HB 435
S 1382	Companion bill passed; refer to HB 1277	S 2754	Read third time; CS passed as amended 38-0
S 1426	Concurred; CS passed as amended 33-6	S 2774	Adopted
S 1490	Read second time; Substituted HB 1059; Laid on Table, refer to HB 1059	S 2794	Read second and third times; Passed 37-0
S 1520	Read second time; Substituted HB 319; Laid on Table, refer to HB 319	S 2844	Read second time; Adopted
S 1522	Read third time; CS passed 38-0	S 2954	Adopted
		S 2962	Adopted
		S 2976	Adopted
		S 2992	Adopted
		S 2994	Adopted
		H 195	Substituted for CS for SB 338; Read second time; Read third time; Passed 39-0
		H 221	Read third time; Passed 38-0
		H 315	Substituted for CS for CS for SB 2328; Read second time; Read third time; Passed 39-0
		H 319	Substituted for CS for CS for SB 1520; Read second time; Read third time; Passed as amended 38-0
		H 435	Substituted for CS for SB 2688; Read second and third times; Passed as amended 39-0
		H 439	Read third time; Passed 40-0
		H 525	Read third time; Passed 37-0
		H 691	Receded; Passed 38-1
		H 739	Read third time; Passed as amended 29-8
		H 847	Substituted for CS for SB 2030; Read second time; Read third time; Passed 37-0
		H 1019	Read third time; Passed 37-0
		H 1021	Read third time; Passed 38-0
		H 1035	Read third time; Passed 39-0
		H 1051	Read third time; Passed 26-12
		H 1059	Substituted for SB 1490; Read second time; Passed 27-11
		H 1277	Substituted for CS for CS for SB 1382; Read second time; Read third time; Passed 38-0
		H 1527	Substituted for CS for SB 1116; Read second time; Read third time; Passed 38-0
		H 1591	Read third time; Passed 38-0
		H 1623	Substituted for CS for SB 2362; Read second and third times; Passed 40-0
		H 1757	Requested House to concur
		H 1833	Read third time; Passed 38-0
		H 1869	Substituted for CS for SB 1528; Read second time; Read third time; Passed 39-0
		H 1883	Read third time; Passed as amended 38-0
		H 1911	Substituted for SB 2350; Read second time; Read third time; Passed 39-0

The following local bills were passed: SB's 2914, 2920, and 2990, and HB's 185, 275, 299, 425, 427, 519, 591, 733, 897, 1055, 1265, 1541, 1543, 1545, 1549, 1555, 1567, 1685, and 1689.

# JOURNAL OF THE SENATE

## Daily Indices for May 2, 2003

### NUMERIC INDEX

BA — Bill Action  
BP — Bill Passed  
CO — Co-Sponsors  
CR — Committee Report

CS — Committee Substitute, First Reading  
FR — First Reading  
MO — Motion

CS/SB 18	(BA) 1164	CS/CS/SB 1626	(CO) 1163
SB 48	(BA) 1086	CS/SB 1734	(CO) 1163
CS/CS/SB 52	(CO) 1163	CS/CS/SB 1770	(BA) 1074, (BP) 1075, (MO) 1132
SB 82	(CO) 1163	CS/SB 1822	(BA) 1145, (BP) 1146
CS/SB 160	(CO) 1163	CS/SB 1828	(BA) 1115
CS/SB 162	(BA) 1119, (BP) 1119, (CO) 1163	CS/SB 1866	(BA) 1118
SB 174	(CO) 1163	CS/SB 1956	(BA) 1067, (BP) 1068
CS/CS/SB 204	(BA) 1148, (BP) 1149	CS/SB 1974	(CO) 1164
CS/SB 260	(BA) 1119, (BP) 1119, (CO) 1163	CS/SB 2030	(BA) 1113, (CO) 1163
SB 270	(BA) 1072, (BP) 1072	CS/SB 2054	(BA) 1075, (CO) 1163
CS/SB 294	(CO) 1163	CS/SB 2084	(CO) 1163
CS/SB 320	(CO) 1163	CS/SB 2110	(BA) 1115, (CO) 1164
CS/CS/SB 326	(BA) 1072, (BP) 1072	CS/SB 2118	(BA) 1113, (BP) 1113
CS/SB 338	(BA) 1118, (CO) 1163	CS/SB 2132	(BA) 1112
CS/CS/SB 400	(BA) 1146, (CO) 1163	CS/SB 2148	(CO) 1163
CS/CS/SB 428	(CO) 1163	SB 2180	(CO) 1163
CS/SB 480	(CO) 1163	CS/SB 2186	(BA) 1068, (BP) 1068, (CO) 1164
SB 482	(CO) 1163	CS/SB 2260	(BA) 1062, (BP) 1062
CS/CS/SB 572	(BA) 1075, (BA) 1086, (BA) 1088, (BP) 1089	CS/CS/SB 2264	(BA) 1071, (BP) 1071
CS/CS/SB 574	(BA) 1062, (BA) 1064, (BP) 1064, (MO) 1091, (BA) 1116, (BA) 1117, (BP) 1117, (CO) 1164	CS/CS/SB 2266	(BA) 1070, (BP) 1071
CS/CS/CS/SB 592	(CO) 1163	SB 2284	(BA) 1073, (BP) 1073
CS/SB 626	(BA) 1164	CS/SB 2296	(CO) 1163
SB 640	(CO) 1163	CS/CS/SB 2312	(CO) 1163
CS/SB 642	(CO) 1163	CS/SB 2316	(BA) 1074, (CO) 1164
CS/SB 676	(BA) 1066, (BP) 1067, (CO) 1163	CS/SB 2322	(CO) 1163
CS/CS/SB 696	(BA) 1146, (CO) 1163	CS/CS/CS/SB's 2328 and 2252	(BA) 1126
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CS/CS/SB 1072	(CO) 1163	CS/SB 2362	(BA) 1063
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CS/SB 1216	(CO) 1163	CS/CS/SB 2464	(BA) 1065, (BP) 1065
CS/SB 1224	(BA) 1112, (BP) 1112, (BA) 1127, (BP) 1127	SB 2486	(BA) 1091, (CO) 1164
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CS/SB 1522	(BA) 1070, (BP) 1070, (CO) 1163	CS/SB 2750	(BA) 1118, (CO) 1164
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